

United States
Circuit Court of Appeals
For the Ninth Circuit.

WOO WAI, WONG CHUNG and WONG YEE,
Plaintiffs in Error,
vs.

THE UNITED STATES OF AMERICA,
Defendant in Error.

Transcript of Record.

Upon Writ of Error to the United States District Court
of the Southern District of California,
Southern Division.

Filed

DEC - 4 1914

F. D. Monckton,

Clerk.

United States
Circuit Court of Appeals
For the Ninth Circuit.

WOO WAI, WONG CHUNG and WONG YEE,
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vs.

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Defendant in Error.

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of the Southern District of California,
Southern Division.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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Names and Addresses of Attorneys.

For Plaintiffs in Error:

Messrs. J. C. CAMPELL, WEAVER, SHELTON & LEVY, 659 Mills Building, San Francisco, California;

Messrs. DENIS & LOEWENTHAL, 414 Wilcox Building, Los Angeles, California; and
C. H. SOOY, Esq., Mills Building, San Francisco, California.

For Defendants in Error:

ALBERT SCHOONOVER, Esq., U. S. Attorney, Los Angeles, California; and
HARRY R. ARCHBALD, Esq., Assistant U. S. Attorney, Los Angeles, California. [6*]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

*Page-number appearing at foot of page of original certified Record.

Writ of Error [Original].

United States of America,—ss.

The President of the United States of America to
the Honorable the Judge of the District Court
of the United States for the Southern District
of California, Southern Division, Greeting:

Because in the record and proceedings as also in
the rendition of the judgment of a plea which is in
the said District Court before you, between Woo
Wai, Wong Chung and Wong Yee, plaintiffs in er-
ror, and the United States of America, defendant in
error, a manifest error hath happened to the great
damage of said Woo Wai, Wong Chung and Wong
Yee, plaintiffs in error, as by their complaint
appears:

We being willing that error, if any hath happened,
should be duly corrected, and full and speedy justice
done to the parties aforesaid, in this behalf, do com-
mand you, if judgment be therein given, that then,
under your seal, distinctly and openly, you send the
record and proceedings aforesaid with all things con-
cerning the same to the United States Circuit Court
of Appeals for the Ninth Circuit, together with this
Writ, so that you have the same at the city of San
Francisco, in the State of California, within thirty
days from [7] the date hereof, in the said Cir-
cuit Court of Appeals to be then and there held, that
the record and proceedings aforesaid, being in-
spected, the said Circuit Court of Appeals may cause
further to be done therein to correct that error what

of right and according to the laws and customs of the United States should be done.

WITNESS the Honorable EDWARD D. WHITE, Chief Justice of the United States, the 23d day of September, in the year of our Lord, 1912.

[Seal] WM. M. VAN DYKE,
Clerk of the United States District Court, Southern District of California, Southern Division.

By C. E. Scott,
Deputy Clerk.

Allowed by:

OLIN WELLBORN,
Judge.

I hereby certify that a copy of the within Writ of Error was, on the 23d day of September, 1912, lodged in the clerk's office of the said United States District Court for the Southern District of California, Southern Division, for the said defendants in error.

WM. M. VAN DYKE,
Clerk U. S. District Court, Southern District of California.

By C. E. Scott,
Deputy Clerk. [8]

[Endorsed]: No. 303—Crim. United States Circuit Court of Appeals, Ninth Circuit. Writ of Error. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. [9]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

Citation [on Writ of Error (Original)].

United States of America—ss.

The President of the United States to the United States of America, and A. I. McCormick, United States Attorney, Dudley W. Robinson, Assistant United States Attorney, Edward A. Regan, Assistant United States Attorney, and Frank M. Stewart, Special Assistant United States Attorney, Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held at the city of San Francisco, in the State of California, within thirty days from the date of this writ, pursuant to a writ of error filed in the clerk's office of the District Court of the United States for the Southern District of California, Southern Division, wherein Woo Wai, Wong Chung and Wong Yee are plaintiffs in error, and you are defendant in error, to show cause if any there be, why the judgment in

the said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS the Honorable EDWARD D. WHITE, Chief Justice of the Supreme Court of the United States of America, this 23d day of September, A. D. 1912, and of the independence of the United States the one hundred and thirty-seventh.

OLIN WELLBORN,
United States District Judge, Southern District of
California, Southern Division.

Attest: WM. M. VAN DYKE,
Clerk.

By C. E. Scott,
Deputy Clerk. [10]

[Endorsed]: No. 303—Crim. United States Circuit Court of Appeals, Ninth Circuit. Woo Wai et al., Plaintiff in Error, vs. United States of America, Defendants in Error. Citation. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk.

Received copy of the within Citation this 23d day of September, 1912.

A. I. McCORMICK,
Attorney for United States.
DUDLEY W. ROBINSON,
Assistant. [11]

In the District Court of the United States of America, in and for the Southern District of California, Southern Division.

No. 303—CRIMINAL.

THE UNITED STATES OF AMERICA,
Plaintiffs,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants. [12]

[Indictment.]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

At a stated term of said court, begun and holden at the city of Los Angeles, county of Los Angeles, within and for the Southern Division of the Southern District of California, on the second Monday of January, in the year of our Lord one thousand nine hundred and eleven,—

The Grand Jurors of the United States of America, chosen, selected and sworn, within and for the Division and District aforesaid, on their oath present:

That Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Siaz, and Tomas Valenzuela, whose full and true names are and each of them is, other than as herein stated, to the Grand Jurors unknown, being

evil-minded persons, heretofore, to wit, on the first day of April, 1910, at and within the Southern Division of the Southern District of California, and within the jurisdiction of this Honorable Court, did knowingly, willfully, wickedly, unlawfully, corruptly and feloniously conspire, combine, confederate and agree together and with divers other persons whose names are to the said Grand Jurors unknown, to commit certain offenses against the United States, that is to say:

They, the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Siaz and Tomas Valenzuela, did, at the time and place aforesaid, knowingly, willfully, wickedly, unlawfully, corruptly and feloniously conspire, combine, confederate and agree together and with said divers other persons [13] whose names are, as aforesaid, to the Grand Jurors unknown, to willfully, unlawfully and knowingly bring into and cause to be brought into, and aid and abet the bringing into, the United States, by land, at divers points and places in the Southern Division of the Southern District of California (said points and places being to the Grand Jurors unknown), from divers points and places in the Republic of Mexico, to wit, from the town of Ensenada, in said Republic of Mexico, and from other points and places in said Republic of Mexico, the names of which said other points and places being to the said Grand Jurors unknown, certain Chinese persons, to wit, Wong Ging Foon, Wong Ging Wee, Wong Sum, Wong Kum, Wong Dom Him, each being a Chinese person and any and

all other and additional Chinese persons who were then, and those who would thereafter be, in said Republic of Mexico, desiring and intending to enter the United States whose names are and each of them is, other than as herein stated, to the said Grand Jurors unknown, and which said Chinese persons, as they, the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Saiz and Tomas Valenzuela, and said divers other persons whose names are to the Grand Jurors unknown, then and there well knew, were not nor was either or any of them, then and there, or at any time thereafter, or at all, entitled, permitted or allowed by the laws of the United States, to enter or remain in the United States, and each of which said Chinese persons, as they, the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Saiz and Tomas Valenzuela, and said divers other persons, then and there, and at all times in this indictment mentioned and referred to, well knew, was, then and there [14] and at all times in this indictment mentioned and referred to, would be, a Chinese laborer and a native of China, and a person of Chinese descent, and would not have, and would not be entitled to have, a certificate of residence entitling him to enter, be or remain in the United States.

That said conspiracy, confederation, combination and agreement, between the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Siaz and Tomas Valenzuela, and the said divers other persons whose

names are, as aforesaid, to the Grand Jurors unknown, was continuously, throughout all of the time from and after said first day of April, 1910, and at all of the times in this indictment mentioned and referred to, and particularly at the time of the commission of each and all of the overt acts in this indictment hereinafter set forth, in existence and process of execution.

And the Grand Jurors aforesaid, on their oath aforesaid, do further present:

That in furtherance of said conspiracy, combination, confederation and agreement, and to effect and accomplish the object thereof, the said Lerdo Gonzales, Rosario Siaz and Tomas Valenzuela, on or about the 15th day of December, 1910, at a point or place in the Republic of Mexico, to wit, at the said town of Ensenada, took charge and control of eight (8) certain Chinese persons, to wit, said Wong Ging Foon, Wong Ging Wee, Wong Sum, Wong Kum, Wong Dom Him and three (3) other and additional Chinese persons, the full and true names of said eight (8) Chinese persons and each of them, other than as herein stated, being to the said Grand Jurors unknown, and did, thereafter, to wit, on or about the [15] 25th day of December, 1910, willfully, unlawfully and knowingly bring and convey, and cause to be brought and conveyed, by land, at a point in the Southern Division of the Southern District of California, to the Grand Jurors unknown, said eight (8) Chinese persons from said Republic of Mexico into and within the United States and into and within the County of San Diego,

State, Division and District aforesaid, the said eight (8) Chinese persons, and each of them, as they, the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Siaz and Tomas Valenzuela, and said divers other persons to the Grand Jurors unknown, and each of them, then and there well knew, not being then and there, or at any time in this indictment mentioned and referred to, lawfully entitled to enter or remain in the United States, and each of said eight (8) Chinese persons being then and there and at all times in this indictment mentioned and referred to, a Chinese laborer, and a native of China, and a person of Chinese descent, not having and not entitled to have a certificate of residence entitling him to enter, be or remain in the United States.

And the Grand Jurors aforesaid, on their oath aforesaid, do further present:

That in further execution of said conspiracy, combination, confederation and agreement, and to further effect and accomplish the object thereof, the said Wong Chung, on the 11th day of January, 1911, in the city of San Bernardino, county of San Bernardino, within the Southern Division of the Southern District of California, and within the jurisdiction of this Honorable Court, did take charge and control of said Wong Sum, Wong Kum and Wong Dom Him, and did then and there purchase railroad [16] tickets for said Wong Sum, Wong Kum and Wong Dom Him, for their conveyance by railroad from said city of San Bernardino to the city of San Francisco, in the Northern District of California,

and did then and there place said Wong Sum, Wong Kum and Wong Dom Him on a passenger train of the Atchison, Topeka, and Santa Fe Railway Company en route from the city of Los Angeles in the Southern District of California, by way of said city of San Bernardino, to said city of San Francisco, he, the said Wong Chung, then and there well knowing that the said Wong Sum, Wong Kum and Wong Dom Him had theretofore, as aforesaid, been unlawfully and knowingly smuggled and brought into the United States from the Republic of Mexico, and then and there well knowing that they, the said Wong Sum, Wong Kum and Wong Dom Him were then and there, and each of them was a Chinese laborer and a native of China and a person of Chinese descent and not having and not entitled to have a certificate of residence entitling him to enter, be or remain in the United States.

And the Grand Jurors aforesaid, on their oath aforesaid, do further present:

That in further execution of said conspiracy, combination, confederation and agreement, and to further effect and accomplish the object thereof, the said Wong Wing Sai, on the 12th day of January, 1911, in the city of San Bernardino, county of San Bernardino, within the Southern Division of the Southern District of California, and within the jurisdiction of this Honorable Court, did take charge and control of said Wong Ging Wee and Wong Ging Foon, and did then and there purchase railroad tickets for said Wong Ging Wee and Wong Ging Foon, for their conveyance by railroad from said

city of [17] San Bernardino to the city of San Francisco, in the Northern District of California, and did then and there place said Wong Ging Wee and Wong Ging Foon on a passenger train of the Atchison, Topeka, and Santa Fe Railway Company en route from the city of Los Angeles in the Southern District of California, by way of said city of San Bernardino, to said city of San Francisco, he, the said Wong Wing Sai, then and there well knowing that the said Wong Ging Wee and Wong Ging Foon had theretofore, as aforesaid, been unlawfully and knowingly smuggled and brought into the United States from the Republic of Mexico, and then and there well knowing that they, the said Wong Ging Wee and Wong Ging Foon were then and there, and each of them was a Chinese laborer, and a native of China, and a person of Chinese descent, and not having and not entitled to have a certificate of residence entitling him to enter, be or remain in the United States.

Contrary to the form of the Statutes of the United States in such case made and provided and against the peace and dignity of the said United States.

A. I. McCORMICK,
United States Attorney.

[Endorsed]: No. 303. United States District Court, Southern District of California, Southern Division. The United States of America vs. Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Siaz and Tomas Valenzuela. Indictment for Violation of Section 37, U. S. Criminal Code, and Act of July

5, 1884. Conspiracy to Smuggle Chinese Laborers into the United States. *T* True Bill. E. C. Bel-
lows, Foreman. [18] Presented and filed in open
court this 9th day of February, A. D. 1911. E. H.
Owen, Clerk. ———, Deputy Clerk. ———,
United States Attorney.

[Endorsed]: Names of witnesses examined before
the said Grand Jury on finding the foregoing indict-
ment: C. O. Morgan, C. A. Sims, John Culberson, D.
M. Spittler, A. H. Mulvane, Ed. Proppett, Wong
Sum, Wong Dom Him, Wong Ging Wee, R. L.
Conklin, H. H. Weddle, W. C. Guerth, L. C. Mor-
ton, W. E. Smith, S. King Lanier, Peter Capdeville,
Wm. J. Healy, Geo. A. Lawrence. [19]

[Bench Warrant.]

UNITED STATES OF AMERICA.

Southern District of California,
Southern Division,—ss.

To the Marshal of the United States of America, for
the Southern District of California, and His
Deputies, or Any or Either of Them, Greeting:

WHEREAS, at a District Court of the United
States of America, for the Southern Dis-
[Seal] trict of California, begun and held at the
City and County of Los Angeles, within
and for the District aforesaid, on the 9th day of
February, in the year of our Lord, one thousand
nine hundred and eleven, the Grand Jurors in and
for the said District brought into the said court a
true Bill of Indictment against Woo Wai, Wong

Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Saiz, and Tomas Valenzuela, for violation of section 37, U. S. Criminal Code and Act of July 5, 1884. Conspiracy to smuggle Chinese laborers into the United States, as by the same indictment, now remaining on file and of record in said Court, will more fully appear; to which Indictment the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Saiz and Tomas Valenzuela have not yet appeared or pleaded:

NOW, THEREFORE, you are hereby commanded, in the name of the PRESIDENT OF THE UNITED STATES OF AMERICA, to apprehend the said Woo Wai, Wong Chung, Wong Wing Sai, Mar Jick, Wong Yee, Mar Luck, Lerdo Gonzales, Rosario Saiz and Tomas Valenzuela and them bring before the said Court, at the United States District courtroom, in the City and County of Los Angeles; to answer the Indictment aforesaid.

WITNESS, the Hon. OLIN WELLBORN, Judge of the said District Court, and the seal thereof, at the City and County of Los Angeles, the 10th day of February, A. D. 1911.

Attest: E. H. OWEN,
Clerk.

By C. E. Scott,
Deputy Clerk.

A. I. McCORMICK,
U. S. Attorney. [20]

[Endorsed]: Marshal's Criminal Docket No. 3858.
No. 303—Criminal. United States District Court,

Southern District of California, Southern Division.
The United States of America vs. Woo Wai et al.
Bench Warrant. Bail fixed at \$5,000.00 each. A.
I. McCormick, U. S. Attorney. Filed Jul. 11, 1911.
190. E. H. Owen, Clerk. By C. E. Scott, Deputy
Clerk.

United States of America,
Southern District of California.

In obedience to the Warrant I have the body of
the said Tomas Valenzuela before the Honorable
the District Court of the United States, in and for
the Southern District of California, this 28th day of
April, A. D. 1911.

LEO V. YOUNG WORTH,
U. S. Marshal.
By H. J. Place,
Deputy U. S. Marshal.

MARSHAL'S OFFICE.

United States of America,
Southern District of California.

In obedience to the Warrant I have the bodies of
the said Woo Wai, Wong Chung, Wong Wing Sai,
Mar Jick and Wong Yee, before the Honorable the
District Court of the United States, in and for the
Southern District of California, this 11th day of
July, A. D. 1911.

LEO V. YOUNG WORTH,
U. S. Marshal.
By Ervin Dingle,
Deputy U. S. Marshal.

Received April 10th, 1911, at 12:30 o'clock P. M.,
from H. J. Place, by T. D. Stanley, Jailer. [21]

Pleas of Wong Chung and Wong Wing Sai.

At a stated term, to wit, the January term, A. D. 1911, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the City of Los Angeles, on Wednesday, the 15th day of February, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable OLIN WELLBORN, District Judge.

No. 303—CRIM. S. D.

THE UNITED STATES OF AMERICA,
Plaintiffs,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI,
MAR JICK, WONG YEE, MAR LUCK,
LERDO GONZALES, ROSARIO SIAZ, and
TOMAS VALENZUELA,

Defendants.

Indictment for violation of Sec. 37, U. S. Crim. Code, and Act of July 5, 1884, conspiracy to smuggle Chinese into the United States. Frank Stewart, Esq., Assistant U. S. Attorney, present as counsel for the United States; defendant Wong Chung present in court with his attorney, Geo. J. Denis, Esq.; defendant Wong Wing Sai present in custody of the U. S. Marshal, with his attorneys, Messrs. McGowen & Haas; and Chan Kiu Sing having been sworn as interpreter of the Chinese and English languages;

and defendant Wong Chung having been called and arraigned through said interpreter, Chan Kiu Sing, having stated that his true name is Wong Chung, having waived the reading of the indictment, and, on being required to plead to said indictment, said defendant having plead not guilty as charged therein (with permission hereafter to withdraw said plea should he be so advised), which plea is by order of the Court hereby entered herein; and defendant Wong Wing Sai, present in custody of the U. S. Marshal, having been called and arraigned through said interpreter, having given his true name as Wong Wing Sai, having waived the reading of the indictment, and, on being required to plead to said indictment, said defendant having plead not guilty as charged therein (with permission hereafter to withdraw said plea should he be so advised), which plea is by order of the Court hereby entered herein; said defendant Wong Wing Sai is thereupon remanded to the custody of the U. S. Marshal. [22]

Plea of Woo Wai.

At a stated term, to wit, the January term, A. D. 1911, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the court-room thereof, in the City of Los Angeles, on Monday, the 6th day of March, in the year of our Lord one thousand, nine hundred and eleven. Present: The Honorable OLIN WELLBORN, District Judge.

No. 303—CRIM. S. D.

THE UNITED STATES OF AMERICA,
Plaintiffs,

vs.

WOO WAI, WONG CHUNG (true name WONG
CHONG), WONG WING SAI, MAR JICK,
WONG YEE, MAR LUCK, LERDO GON-
ZALES, ROSARIO SAIZ, and TOMAS
VALENZUELA,

Defendants.

Indictment for violation of Sec. 37, U. S. Crim. Code, and Act of July 5, 1884, conspiracy to smuggle Chinese laborers into the United States. Frank Stewart, Esq., Assistant U. S. Attorney, present as counsel for the United States; defendant Woo Wai present in court, with his attorney; this cause coming on on this day for the arraignment of said defendant Woo Wai, and for the entry of his plea; and said defendant having been called and arraigned, having stated that his true name is Woo Wai, having waived the reading of the indictment, and, on being required to plead to said indictment, said defendant having plead not guilty as charged therein, which plea is by order of the Court hereby entered herein, with leave to said defendant to hereafter withdraw said plea if he should be so advised, and thereupon, good cause appearing therefor, it is ordered that said cause be, and the same hereby is passed for the setting of the same down for trial.

[Verdict.]

*In the District Court of the United States, for the
Southern District of California, Southern Division.*

No. 303—CRIM. S. D.

THE UNITED STATES OF AMERICA,
Plaintiffs,
vs.

WOO WAI et al.,

Defendants.

We, the jury in the above-entitled cause, find the defendants Woo Wai, Wong Chong (indicted herein as Wong Chung), Wong Wing Sai and Wong Yee guilty as charged in the indictment.

Los Angeles, Cal., Mar. 23, 1912.

H. H. KERCKHOFF,
Foreman.

No. 303—Crim. U. S. District Court, So. Dist. of Calif., So. Div. United States vs. Woo Wai et al. Verdict. Filed [March 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. [51]

Copy of Judgment.

At a stated term, to wit, the January term, A. D. 1912, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the city of Los Angeles, on Monday, the 25th day of March, in the year of

our Lord one thousand nine hundred and twelve. Present: The Honorable WILLIAM C. VAN FLEET, District Judge.

No. 303—CRIM. S. D.

THE UNITED STATES OF AMERICA,

Plaintiffs,

vs.

WOO WAI et al.,

Defendants.

This cause coming on this day for the sentence of defendants Woo Wai, Wong Chong (indicted herein as Wong Chung), Wong Wing Sai and Wong Yee; Frank Stewart, Esq., Special Assistant U. S. Attorney, and Dudley W. Robinson, Esq., Assistant U. S. Attorney, appearing as counsel for the United States; defendants Woo Wai, Wong Chong (indicted herein as Wong Chung), Wong Wing Sai and Wong Yee being present, with their attorneys, Jos. C. Campbell, Esq., Geo. J. Denis, Esq., and C. H. Sooy, Esq.; E. L. Kincaid present as shorthand reporter of the testimony and proceedings, and said defendants, by their attorney, Jos. C. Campbell, Esq., having moved the Court that a new trial be granted said defendants, which motion is submitted to the Court for its consideration and decision, it is now by the Court ordered that said motion for a new trial be, and the same hereby is denied, to which ruling of the Court, on motion of said four convicted defendants, by their attorney, Jos. C. Campbell, Esq., exceptions are by direction of the Court hereby noted on behalf of said defendants, and said four defendants having, by Jos. C. Campbell, Esq., their

attorney, made and presented a [52] motion in arrest of judgment, which motion is submitted to the Court for its consideration and decision; it is now by the Court ordered that said motion in arrest of judgment be, and the same hereby is denied, to which ruling of the Court, on motion of said four convicted defendants, by their attorney, Jos. C. Campbell, Esq., exceptions are by direction of the Court hereby noted on behalf of said defendants; and statements regarding sentence having been made by Jos. C. Campbell, Esq., attorney for said convicted defendants, the Court thereupon calls said four defendants severally and pronounces sentence upon them respectively as follows, to wit: The Judgment of the Court is, that the defendant Wong Wing Sai be imprisoned in the County Jail of Los Angeles County, California, for a term of six (6) months; the Judgment of the Court is, that the defendant Wong Yee be imprisoned in the County Jail of Los Angeles County, California, for a term of one (1) year, and that he pay a fine of two thousand (2,000) dollars; the Judgment of the Court is, that the defendant Wong Chong (indicted herein as Wong Chung) be imprisoned in the United States Penitentiary at McNeil Island, State of Washington, for a term of one (1) year and one (1) day, and that he pay a fine of three thousand (3,000) dollars; the Judgment of the Court is that the defendant Woo Wai be imprisoned for a term of eighteen (18) months in the United States Penitentiary at McNeil Island, State of Washington, and that he pay a fine of five thousand (5,000) dollars; it is

thereupon further ordered by the Court, that, pending the taking of any steps to review said respective judgments that the respective defendants may be advised to take, defendant Wong Wing Sai remain at large upon bail bond already given; that defendant Wong Yee give an appearance bond in the sum of \$7,500.00; that defendant Wong Chong (indicted herein as Wong Chung) give an appearance bond in the sum of \$10,000.00; and that defendant Woo Wai [53] give an appearance bond in the sum of \$15,000.00; and it is further ordered that until said new bonds are given defendants Wong Yee, Wong Chong (indicted herein as Wong Chung) and Woo Wai be, and they hereby are remanded to the custody of the U. S. Marshal; and that, upon the giving of the new bonds, the present bail bonds of said last named three defendants be exonerated; and it is further by the Court ordered, on motion of Jos. C. Campbell, Esq., attorney for the 'convicted defendants, that a stay of execution for the period of thirty (30) days be, and the same hereby is granted. [54]

Amended Judgment as to Defendant Wong Chong.

At a stated term, to wit, the January term, A. D. 1912, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the city of Los Angeles, on Tuesday, the 26th day of March, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable WILLIAM C. VAN FLEET, District Judge.

No. 303—CRIM. S. D.

THE UNITED STATES OF AMERICA,

Plaintiffs,

vs.

WOO WAI et al.,

Defendants.

Dudley W. Robinson, Esq., Assistant U. S. Attorney, appearing as counsel for the United States; defendant Wong Chong (indicted herein as Wong Chung) present, with his attorney, Geo. J. Denis, Esq., it is thereupon by the Court ordered that the judgment of the Court as to said defendant Wong Chong (indicted herein as Wong Chung), entered herein on Monday, the 25th day of March, A. D. 1912, be, and the same hereby is changed so that the same shall read as follows, to wit: The Judgment of the Court is, that the defendant Wong Chong (indicted herein as Wong Chung) be imprisoned in the County Jail of Los Angeles County, California, for a term of one (1) year, and that he pay a fine of \$3,000.00.
[55]

[Certificate of Clerk U. S. District Court to
Judgment-roll.]

(Portions of Judgment-roll omitted in accordance with Praecept for Preparation of Transcript on Appeal filed by Plaintiffs in Error.)

*In the District Court of the United States, in and
for the Southern District of California, South-
ern Division.*

No. 303—CRIM.

THE UNITED STATES

vs.

WOO WAI et al.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States, in and for the Southern District of California, do hereby certify that the foregoing papers hereto annexed constitute the judgment-roll in the above-entitled cause.

ATTEST my hand and the seal of said Court this 28th day of March, A. D. 1912.

[Seal]

WM. M. VAN DYKE,

Clerk.

Virgil W. Owen,

Deputy Clerk.

[Endorsed]: No. 303—Crim. U. S. District Court, Southern District of California, Southern Division. The United States vs. Woo Wai et al. Judgment-roll. Filed Mar. 28, 1912. Wm. M. Van Dyke, Clerk. Deputy, Virgil W. Owen. [56]

At a stated term, to wit, the January term, A. D. 1912, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the court-room thereof, in the city of Los Angeles, on Monday, the first day of April, in the year of

our Lord one thousand nine hundred and twelve.
Present: The Honorable OLIN WELLBORN,
District Judge.

No. 303—CRIM. S. D.

THE UNITED STATES OF AMERICA,

Plaintiffs,

vs.

WOO WAI et al.,

Defendants.

On motion of Geo. J. Denis, Esq., of counsel for defendants, and with the consent of Dudley W. Robinson, Esq., Assistant U. S. Attorney, it is ordered that defendants Woo Wai, Wong Chong (indicted herein as Wong Chung), and Wong Yee be, and they hereby are granted thirty (30) days' additional time within which to prepare, serve and file a bill of exceptions herein. And thereupon, on motion of Dudley W. Robinson, Esq., Assistant U. S. Attorney, it appearing that defendant Wong Wing Sai, who is present in court, desires to have the stay of execution herein vacated and set aside as to said defendant Wong Wing Sai, and that he be remanded to commence serving his sentence herein, it is ordered that said stay of execution be, and the same hereby is vacated and set aside as to defendant Wong Wing Sai, and that said defendant Wong Wing Sai be, and he hereby is remanded to the custody of the U. S. Marshal. [57]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

**Engrossed Bill of Exceptions on Behalf of
Defendants Woo Wai, Wong Chung, and Wong
Yee.**

BE IT REMEMBERED that heretofore the Grand Jury of the United States in and for the Southern Division of the Southern District of California, did find and return in the above-entitled court its indictment against Woo Wai, Wong Chung, Wong Wing Sai and Wong Yee, and thereafter the said defendants appeared in the said court, having duly pleaded as shown by the record herein, and the case being at issue, the same came on for trial on Tuesday, March 12th, 1912, before the Honorable William C. Van Fleet, District Judge of the Northern District duly assigned to hold the District Court of said Southern District, the United States of America being represented by Frank Stewart, Esq., Special Assistant United States Attorney, and the defendants by Joseph C. Campbell, George J. Denis and Charles H. Sooy, Esquires. Upon instruction of the Court, the clerk read the indictment upon which the

defendants were to be tried to the jury, which had theretofore been duly impanelled and sworn to try the case.

[Testimony of K. C. Lanier, for the Government.]

K. C. LANIER, a witness called on behalf of the United States, was duly sworn. He was then asked the following question by Mr. Stewart:

Q. State your full name. [88]

Mr. Campbell, for the defendants, then interposed an objection to any evidence being taken under the indictment, on the ground that it failed to state an offense under section 5440 of the Revised Statutes of the United States, or under the new Criminal Code, or any offense of conspiracy; on the ground that it fails to allege the doing of any overt act in furtherance of the conspiracy sought to be alleged or of any conspiracy whatsoever. That the second and third overt acts sought to be alleged were done after the object of the alleged conspiracy had been fully and completely consummated.

The matter was argued and the objection overruled by the Court. To said ruling the defendants then and there excepted.

Exception No. 1.

Thereupon, the witness being examined by Mr. Stewart, testified as follows:

My full name is King Lanier. I reside at San Diego, where I have resided in the city for from four to four and a half years, and in the county of San Diego for six years. At present I am in the florist business and hotel business. I own the Lanier

(Testimony of K. C. Lanier.)

Hotel, which I have conducted for four years. I have seen the defendant Woo Wai before. I saw him in October, 1908, first at the Santa Fe depot, in San Diego. I then took him in my machine from the train to the Hotel Lanier, 3d and Ash Streets. The defendant stopped and registered at my hotel. I saw him register. I recognize some pages at the top of which are the words: "The Lanier, San Diego, Cal."—especially the pages at the bottom of which appear the words "Sunday, October 25th, 1908," and "Monday, October 26th, 1908," as part of my hotel register in use at that time, and I saw the defendant, Woo Wai, write his signature thereon at the time indicated on the page. From seeing the defendant, [89*—2†] Woo Wai, write that signature, I became acquainted with his signature. It is my opinion that the signatures "Woo Wai" on the back and front of each of three railroad tickets of the Santa Fe Railroad Company now shown to me are the signatures of the defendant, Woo Wai.

Thereupon the said pages of the hotel register were marked "United States Exhibit 1 for Identification," and the said railroad tickets were marked "United States Exhibits 2, 3, and 4 for Identification."

Q. (By Mr. STEWART.) I show you now a letter, dated "San Francisco, March 31, 1910," ending "Yours respectfully, Woo Wai," and ask you who, in your opinion, wrote the signature "Woo Wai."

*Page-number appearing at foot of page of original certified Record.

†Original page-number appearing at foot of page of Bill of Exceptions as same appears in Certified Transcript of Record.

(Testimony of K. C. Lanier.)

Thereupon, the said letter was exhibited to counsel for the defendants.

Mr. CAMPBELL.—I have no objection to that. I admit Woo Wai signed it.

Thereupon, the said letter was marked “United States Exhibit 5 for Identification.”

Cross-examination.

(By Mr. CAMPBELL.)

My business is hotel and florist. I have been in the hotel business four years. I have never made a study of handwriting—only by seeing the handwriting on my register. I would be able to tell the handwriting now of a man who signed his name on my register in 1908. I would be able to tell the handwriting of the person who signed just above Woo Wai. I remember that man, “Mr. Roy.” I knew him at the time he came into the hotel—I knew his name was Roy when he registered. I can only tell a man’s name by his registry. That is the only way I know. If he had signed his name “John Smith,” I would know he was John Smith. That is the only way I know Woo Wai—when he signed on my register [90—3] on the 26th day of October, 1908. I say now to this jury I would be able to recognize these signatures on the railroad tickets dated the 10th day of October, 1910, two years afterwards if they would be similar. I have not compared them as a handwriting expert. I have compared them by knowing the signature—seeing their signature. I seen the signature—I didn’t see it signed more than once, but I have seen the signa-

(Testimony of K. C. Lanier.)

ture since then, at my hotel. I have the book here. The signature is there and I looked at the register more than once. After the 26th day of October, 1908, I saw that signature again on October 27th. My register became filled this month—it is a loose-leaf register. We put it away the second month.

Mr. CAMPBELL.—Q. Do you remember who paid the bill? A. Mr. Roy did the transaction.

Redirect Examination.

(By Mr. STEWART.)

I cannot be positive of who did pay the bill. I have it down on the books as Roy paying the bill. Since I found the register from among my files, in response to your subpoena last year, I have examined the register, and studied it several times since.

[Testimony of Pedro Valenzuela, for the Government.]

PEDRO VALENZUELA, being called and sworn as a witness on behalf of the Government, testified as follows:

Direct Examination.

(By Mr. STEWART.)

My full name is Pedro Valenzuela. I reside at San Diego. My occupation is anything that I can get. I am a workingman—laborer. I am a Mexican. I have resided in Mexico. I was residing in Tecate, Mexico, in November, 1910. I am acquainted with Lerdo Gonzales and with Rosario Siaz.

[91—4]

It was admitted that those are the names of the

(Testimony of Pedro Valenzuela.)

two other alleged conspirators who are not on trial, that this witness has pleaded "guilty" to this charge. He is named in the indictment as "Tomas Valenzuela."

The WITNESS.—The photograph which you show me is the photograph of Lerdo Gonzales. Another photograph which you show me, being a front view and side view of an individual, is the picture of the same person, Lerdo.

The two photographs marked "United States Exhibit No. 7 for Identification."

The WITNESS.—The two other photographs which you now show me are the photographs of Rosario Siaz.

Said photographs were marked "United States Exhibit No. 8 for Identification."

The WITNESS.—In November, 1910, I had eight Chinamen to deal with at that time. My particular part in connection with the Chinamen was buying food—lunch. I was with them many days, I think more than a month. I started from Mexico. From Mexico, I went to San Bernardino, in the United States, with these Chinese. I wasn't very much with them. They might have traveled at night or day time. These two men whose pictures are here were with them—Lerdo Gonzales and Rosario Siaz. Most of the time Gonzales and Siaz were with them. I can't tell what roads they took. We were all three with them when they were brought into San Bernardino. (A number of Chinamen are brought in.) No, sir. I can't identify these Chinese. I was very

(Testimony of Pedro Valenzuela.)

little with them. They are different now. When they came from China they looked different with their dress of Chinese and with their queues on. And now they are fat. I saw them more in the night than I did in the day time. [92—5]

[Testimony of Frederick R. Trimble, for the Government.]

FREDERICK R. TRIMBLE, called on behalf of the United States, testified as follows:

Q. Where did you reside in January, 1911?

A. San Bernardino.

Q. And what was your occupation at that time?

A. I was running a lodging-house for Mr. Cramer & Carver.

Q. What was the name of the lodging-house?

A. The Baldwin Hotel.

Q. Did it have any other local name?

A. It had a name before that; we used to call it the White House.

Q. And that is in San Bernardino?

A. Yes, sir.

Q. What was your position?

A. I was manager for him and running it.

Q. I will ask you to look at the defendants here, the five Chinese sitting inside the rail, Mr. Trimble, and state whether any of them stopped at the Baldwin Hotel, or the White House lodging-house in San Bernardino, in January, 1911.

Mr. CAMPBELL.—Of course, I don't want to take up the time of the Court or my own or your Honor's, but may it be understood that the objection which

(Testimony of Frederick R. Trimble.)

I have made and upon which your Honor ruled on yesterday may run through and to all of this particular testimony of that which happened.

The COURT.—You mean the objection that it was after the accomplishment of the—

Mr. CAMPBELL.—Yes, sir.

The COURT.—Oh, yes; certainly. The fact is that any further objection on that ground is wholly unnecessary, because you are not required to repeat the same objection over and over. [93—6]

Mr. CAMPBELL.—I think not, but there was some question in my own mind. Of course, under the State practice we would not have to do it, but whether or not we have adopted all of the State practice.

The COURT.—Oh, the proceedings are very largely analogous to those of the State. But that is a rule that is well understood. You have exhausted your efforts to exclude such testimony. Now, if it is admitted further you are not deemed to have waived it at all.

Mr. CAMPBELL.—Thank you.

The COURT.—But it may all be deemed objected to, and an exception. (Last question read by reporter.)

A. Yes, sir, the two there.

Q. (By Mr. STEWART.) Will you indicate which two?

A. The second one here and the first one over there.

The COURT.—What is the name of the second one?

(Testimony of Frederick R. Trimble.)

Mr. STEWART.—Wong Wing Sai, I believe, and Wong Chung.

Mr. CAMPBELL.—Yes, Wong Wing Sai and Wong Chung are the ones he has indicated.

Witness further testified that on the 10th January, 1911, the defendant Wong Wing Sai registered at the lodging-house and wrote some Chinese characters in the register. The witness saw a hand grip which Wong Wing Sai left in the office for safekeeping, and as Wong Wing Sai opened the grip, the witness saw a black Colt's revolver with a long barrel. That the day the defendants left the lodging-house the witness found in their room little bits of crumbs of crackers and orange peeling. The room had been cleaned out before the Chinese occupied it.

The attorney for the United States had the register marked for identification and stated that he would refer to it only for [94—7] the purpose of getting in those entries concerning which the witness had testified to.

It was here understood and agreed between the United States Attorney and counsel for defendants that all evidence of acts or declarations of the defendants or of any of the conspirators or of their accomplices or assistants done or made after the entry of the Chinese laborers into the United States would be deemed subject to the same objection, and objected to by the defendants on the same grounds, and defendants' objections overruled by the Court, and exceptions to such rulings taken by the defendants.

[Testimony of Chan Kiu Sin, for the Government.]

CHAN KIU SIN, a Chinese interpreter and translator, called on behalf of the United States, testified that the Chinese characters in the register marked for identification and concerning which the witness, Trimble, testified, meant, when translated into English "Chinese dwelling," "for Chinamen to go"; "foreign devil boy," "Ah Bow." Ah Bow is commonly known as a fictitious name.

[Testimony of L. C. Morton, for the Government.]

L. C. MORTON, called on behalf of the United States, testified:

I reside in Los Angeles. My occupation is Traveling Passenger Agent of the Santa Fe Railroad. In September, 1910, I resided at Redlands, California. At that time I was ticket agent for the Santa Fe Railroad. I saw the defendant, Wong Wing Sai, on September 7th, 1910, at Redlands. The papers you show me are portions of tickets to San Francisco by the Santa Fe Railroad from Redlands, California. They were purchased on September 7th, 1910, about 9 o'clock, P. M. I sold them to the defendant, Wong Wing Sai. There are seven tickets there. These tickets were sold late at night, and I was not the nightman, but the nightman [95—8] wanted to go off, and, consequently, I agreed to take his place. So I went down to the depot and these tickets were called for. My recollection is that he called in the evening and inquired for the price, along about seven o'clock, from me. I returned back thinking I was going to put that number of people out early, for he

(Testimony of L. C. Morton.)

had asked me the price of so many tickets for San Francisco, and I returned early on account of the fact that I thought I would have that number out, and I knew that I would have a lot of baggage to check, as our baggageman was also off at that hour. I sold him the tickets, I think, near nine o'clock. I would not say positively, but nearly that. Anyway, I opened the baggage-room and went out and turned on the lights. I found no baggage. At that time the train connecting with trains for San Francisco left Redlands at 9:20 P. M. The defendant, Wong Wing Sai, did not state at that time what kind of people were going to ride on those tickets. I do not remember any further conversation I had with him.

The seven tickets were marked as one exhibit, "United States Exhibit 9 for Identification."

I did not see Wong Wing Sai after that. I did not see him aboard the train.

Q. (By Mr. STEWART.) I will ask you whether or not you can state from an examination of those tickets and from your experience as a ticket auditor, whether they have been used and ridden on.

Mr. CAMPBELL.—That I object to, if your Honor please, as a conclusion.

Mr. STEWART.—Examine the punches and other marks.

The COURT.—Can you state, he asks you, whether the tickets had been used for the purpose for which they were issued, that is, [96—9] as a means of transportation? Don't state whether they have or

(Testimony of L. C. Morton.)

not; he simply asks you whether you can, from your experience.

A. I can.

The COURT.—Now, what is your objection?

Mr. CAMPBELL.—That it is incompetent, irrelevant and immaterial and he is drawing his conclusion from something else; and the main objection, if your Honor please, is that it is not relevant or material to this case. It brings us back to the proposition that all that was done was done within the State of California.

The COURT.—Well, I have already ruled upon that.

Mr. CAMPBELL.—Yes, but I want to state the objection. All that was done was done within the State of California, and there is no law, federal law, against one Chinaman, assuming that they were brought in, taking them from Redlands to San Francisco.

Mr. CAMPBELL.—I am basing it on the ground that if there was any conspiracy it must have been ended at the time—

The COURT.—Well, I say that objection I ruled on yesterday.

Mr. CAMPBELL.—Yes, your Honor ruled upon that yesterday.

The COURT.—The objection here will be overruled.

Mr. CAMPBELL.—And an exception.

Q. (By Mr. STEWART.) Now, state whether they have been used for transportation.

A. They have.

[Testimony of N. G. Cramer, for the Government.]

N. G. CRAMER, called on behalf of the United States, testified as follows:

Q. Do you know the defendant Wong Wing Sai, the second man? A. I have seen him.

Q. Where have you seen him? [97—10]

A. In a place called the "White House" in San Bernardino.

Q. When was that?

A. That was in the last year; along about the 11th of March; the 11th or 12th.

Q. What month?

A. The 11th or 12th of March.

Q. (By Mr. CAMPBELL.) The 11th or 12th of March last year?

A. No, it wasn't that. It was last year in January.

Q. (By Mr. STEWART.) January, 1911? Do you recognize any other of the five Chinese sitting at the rail as persons you saw at San Bernardino at the same time?

A. I think I seen that third man there.

Mr. CAMPBELL.—Indicating Wong Chung.

Q. (By Mr. STEWART.) Did you have any conversation with him?

A. I was showing the house to some people to sell it, and I ran into him, it seemed like, and I asked him who he was and he said he was a Chinese doctor—

Mr. CAMPBELL.—Wait one moment. We object to that as incompetent, irrelevant and immate-

(Testimony of N. G. Cramer.)

rial. And the additional objection that it is after the entire conspiracy had ended, according now to the testimony of the Mexican.

Mr. STEWART.—That is competent even after the conspiracy is consummated as to that defendant.

The COURT.—It is competent as to him, but not as to the others.

Mr. STEWART.—But as to him it would be competent.

Mr. CAMPBELL.—If it was material, yes. If they show him there committing this crime.

The COURT.—That is what I mean; that it would be competent as to him. I will hear it. I can't tell now whether it is material or not. [98—11]

Mr. CAMPBELL.—Exception.

Q. (By Mr. STEWART.) Go ahead and relate the whole conversation.

A. First I recognized him in my mind as being a man who was there previous to that time, about ten years ago, when I stopped in another house, and I used to know this fellow, and I stopped and spoke to him and asked, "Are you a Chinese doctor?" and he went on and said what he was.

By the COURT.—What did he say he was?

A. He said he was a Chinese doctor. We passed the time of the day and I asked how everything was and he said all right. I thought it was a man that was in our town a number of years before. I had not seen him for a number of years. And I passed a little more conversation with him and these people came up and he *must* down the hall and we looked

(Testimony of N. G. Cramer.)

into the room. That is about all I seen of him. And I went downstairs and he was standing in that office.

The WITNESS.—I seen the room. The room had been soiled quite a bit. In the room I saw some paper bags. It was littered up with bags, and it looked as though there were things in there such as crackers and bread. A man by the name of Fred Trimble was in charge of that lodging-house for me.

**[Testimony of John Birmingham, Jr., for the
Government.]**

JOHN BIRMINGHAM, Jr., a witness called on behalf of the Government, being duly sworn, testified as follows:

My full name is John Birmingham, Jr. I reside at San Francisco. I am a Mechanical Engineer. Last June I was also Deputy Sheriff in Contra Costa County. I arrested the defendant, Wong Yee, in this case, some time after the middle of June, 1911, in Contra Costa County, near the Alameda County line. At that [99—12] time the defendant asked me what he was wanted for. I told him that the Immigration Officer at Angel Island told me he had a warrant for him. He said he wanted to telephone to his attorney. I said that he might telephone after I had telephoned to the Immigration Office that he was under arrest, and he asked me to let him go on the ground of old friendship. He said he had known me a number of years, and didn't think I ought to arrest him. I got the Immigration Office on the phone, and made arrangements to deliver the defendant in San Francisco to Inspector

(Testimony of John Birmingham, Jr.)

Stran. On the way over on the boat he offered me \$500 to let him go. When we got to San Francisco I turned him over to Inspector Stran. I told him he was wanted at the Immigration Office at Angel Island. I did not tell him where the indictment was, or where the case was. I told him that there was a warrant out for his arrest, and the warrant was at Angel Island. I did not tell him what the arrest was for. When he offered me that \$500 to let him go he told me that he was an old friend of mine, and that I might just as well make some money and let him go and say nothing about it. I told him that he would have to go to San Francisco with me, and he could talk to the Immigration people when he saw them; that I had nothing to do with it. I can't remember the exact words that he used in offering me that \$500. As nearly as I can state them, he says: "You have known me for a long while. Now, I have got plenty of money. I will give you \$500, you let me go and say nothing about it." About in those words he spoke to me. I do not remember that there was anything said in that conversation about Los Angeles.

Cross-examination.

(By Mr. CAMPBELL.)

I did not tell him that anything he might say to me might be used against him. I did not tell him not to talk to me. [100—13]

Redirect Examination.

(By Mr. STEWART.)

I didn't promise him anything to talk to me, or

(Testimony of Mar Jick.)

were marked "United States Exhibit 11 for Identification."

The WITNESS.—I made a trip to San Diego. I think it was over a year ago. I left San Francisco with Woo Wai. I was sick, and Woo Wai said, "I want to go to the country," and told me, "Do you want to go?" and I said, "Yes." And afterwards Woo Wai paid for the trip, you know, and went to Los Angeles, and stayed there just a few hours in the evening. I do not know. About two o'clock, or something like that. And Woo Wai would get the tickets to go to San Diego. Afterwards, about seven o'clock, Woo [102—15] Wai told me to buy the bouquet. I got to San Diego in the night, six or seven o'clock. The three railroad tickets on the Atchison, Topeka and Santa Fe Railroad, between Los Angeles and San Diego, which you show me, are the three tickets that we went to San Diego on. There is a man of the Quen family who traveled on the third ticket. I don't remember his name. I don't know where he is now. Woo Wai bought and paid for those tickets. The words, "Woo Wai," written on those tickets are the signatures of Woo Wai, and are in Woo Wai's handwriting. I saw him write them at San Diego. That is the validation on the back—as being return tickets.

Said three exhibits offered in evidence and marked "United States Exhibits 2, 3 and 4."

The WITNESS.—After we got to San Diego I didn't buy the bouquet. Woo Wai went and bought it; I went along. I don't remember the place where

(Testimony of Mar Jick.)

the bouquet was purchased. Afterwards Woo Wai and I took a car to a place a far distance off. We went to Conklin's house. After we went into the house we were ushered into the parlor, where I held the bouquet, and Mr. Conklin told me to be seated in the parlor, and he went upstairs with Woo Wai. I was alone in the parlor downstairs. I held the bouquet, and while we were waiting there a lady came in to the piano and I handed the bouquet to her. I remained in Mr. Conklin's parlor while he and Woo Wai were upstairs—about three-quarters of an hour. Then Mr. Conklin asked me to go upstairs, and I went up and saw an American man,—a kind of slim, short, small man.

Mr. CAMPBELL.—We will stipulate that the man they met up there was Mr. Conklin and Mr. Weddle. Now, I will give you a stipulation as to the time, if you want it.

The WITNESS.—After I was called upstairs and found Mr. Conklin and Mr. Weddle in the room, nothing more was said. I [103—16] was introduced by Woo Wai. He said, "This is Mar Jick." At that time I did not know whether Mr. Conklin and Mr. Weddle were officers of the Government. I had never met either Mr. Conklin or Mr. Weddle before. I didn't see any money in that room on Mr. Conklin when I was called into it. I don't know what I was taken upstairs for, except to see or meet the two white men. I remained only about two or three minutes in the room with Woo Wai, Mr. Conklin and Mr. Weddle. My intention was to go down

(Testimony of Mar Jick.)

to Los Angeles. When I got down here Woo Wai asked me to go to San Diego with him. I did not know at that time, or at any other time during that trip, what his business was at San Diego. Quon, the man who traveled on the third round trip ticket, stayed in the lodging-house while Woo Wai and I went up to Mr. Conklin's house. He was told by Woo Wai to watch over the outfits which we had, such as suitcases. After the occasion I have just testified about, the occasion at San Diego, I saw Mr. Conklin in San Francisco. It was at the time this letter was written that I first testified about when I was first called on the stand, the same day. I first saw Mr. Conklin in San Francisco on that occasion in Jack's restaurant, on Sacramento Street, between Kearney and Montgomery. When we went into the restaurant and went into the room or booth, Mr. Conklin was there first. The others present were Woo Wai and I,—three of us. I attended the dinner at the invitation of Woo Wai. When he notified me he said, "Come to dinner"; and he didn't tell me who was going to be there. I saw Mr. Conklin there only after I got there. Woo Wai paid for the dinner. There was no conversation during the dinner except when we finished, and then Mr. Conklin said it was a very good dinner. There was some talk during the dinner, but I didn't pay any attention to it. After I came out from that restaurant, I [104—17] think Mr. Conklin went down toward Montgomery Street, and Woo Wai and I went to Woo Wai's house, in Clay Street. I do not remember the

(Testimony of Mar Jick.)

number, but it was below Kearney Street. I remained at Woo Wai's house only a short time, I think about ten or more minutes. At that time Woo Wai said, "Do you know anybody down in Ensenada?" I said I did not know anybody down in Ensenada except one Mar Luck. Then I went out to my store. I saw Woo Wai and Mr. Conklin again that day at Woo Wai's house. I returned there by request of Woo Wai. He asked me to write a letter to Mar Luck. At that time I was in his house—that was the second time. I did not know Mr. Conklin was an officer until after I finished the writing. That is the letter was handed to him; I was told he was. In Woo Wai's house, after I learned that he was an officer I think now that it is wrong, so I asked for the return of the letter I had written, and Mr. Conklin refused to give it up. Then I told Woo Wai, and asked him for the return of the letter. Woo Wai said: "Well, let it go," and then Mr. Conklin said, "That is all right; that is all right." I told Woo Wai several times to write to Mr. Conklin for the return of that letter, and Woo Wai told me that he would write to him.

Once in a while I have seen Woo Wai sign checks in his store. He would sign them in English. In that way I have become acquainted with his writing.

The letter you show me, dated "San Francisco, August 22d, 1910," is in Woo Wai's handwriting. The paper you show me, dated "San Francisco, September 8th, 1910," is also in Woo Wai's handwriting.

The two documents were marked "United States

(Testimony of Mar Jick.)

Exhibits 12 and 13 respectively for Identification.”
[105—18]

The WITNESS.—In the letter you show me, dated “San Francisco, October 5th, 1910,” I cannot very well discern the body of the letter, but I know the handwriting of the “W.” That is Woo Wai’s.

Said letter marked “United States Exhibit 14 for Identification.”

The WITNESS.—In the letter you show me dated “San Francisco, November 23d, 1910,” the other parts of the letter I cannot recognize, but the “W.’s” I recognize. The signature “W. W.” is Woo Wai’s.

Said letter marked “United States Exhibit 15 for Identification.”

The WITNESS.—The letter you show me dated “San Francisco, November 24th, 1910,” I think is his handwriting, too, because I recognize the “W” there. I mean the signature.

Letter marked “United States Exhibit 16 for Identification.”

The WITNESS.—In the letter you now show me, dated “San Francisco, December 2d, 1910,” the signature is in Woo Wai’s handwriting.

Said letter marked “United States Exhibit 17 for Identification.”

By Mr. CAMPBELL.—I will probably give you an admission as to those signatures.

Mr. STEWART.—If you think you may, it might save considerable time.

Mr. CAMPBELL.—Certainly, if you will let me look at them. (Letters shown to counsel for defend-

(Testimony of Mar Jick.)

ants.) We admit that that is in his handwriting, your Honor, and have no objection to them being introduced in evidence now. [106—19]

Mr. STEWART.—And the same as to these identified by the witness.

Mr. CAMPBELL.—I have not seen them. Yes, let me see them.

Mr. STEWART.—I think we will just have them identified now. I will name those you have admitted, for the purpose of the record. I will identify them by dates. This is December 15, 1910, postmarked December 16, San Francisco. That is 18.

Letter marked “United States Exhibit 18 for Identification.”

The COURT.—These are admitted to be in his handwriting?

Mr. STEWART.—Yes, and they are being marked for identification; January 5th, 1911, San Francisco,—19.

Letter marked “United States Exhibit 19 for Identification.”

Mr. CAMPBELL.—You are just identifying them now?

The COURT.—He is marking them for identification now, simply. He is not offering them.

Mr. STEWART.—San Francisco, January 6th, 1911,—20, for identification. January 9th, 1911, 21 for identification. January 8th, 1911, 22 for identification. And here is a telegram, Mr. Campbell, admitted to be in the handwriting of Woo Wai, which we ask to be marked 24 for identification.

(Testimony of Mar Jick.)

Mr. DENIS.—What is the date of that?

Mr. STEWART.—January 10th, 1911. That is all.

The foregoing documents, accordingly marked “United States Exhibits 20, 21, 22, 23 and 24, respectively, for identification.”

Cross-examination.

(By Mr. CAMPBELL.)

It was near Christmas, the time when we met in San Francisco. I don't know whether it was before or after Christmas, but I saw Woo Wai buy some Christmas gifts for Mr. Conklin. He gave them to Mr. Conklin.

Woo Wai read the letter that I wrote in Chinese. Woo Wai said “There is no danger.” That was said when Mr. Conklin was [107—20] there. I don't remember anything about a letter being spoken about, or being shown in Jack's restaurant at the time when I found Mr. Conklin there. I don't remember anything about a letter being started to be torn up, and Mr. Conklin taking it and putting it in his pocket. I didn't see any letter torn in the restaurant. I didn't see any letter there at all in the restaurant. At that time Mr. Conklin was in Woo Wai's house I didn't see him write anything.

Woo Wai had paid the premium on the bond in the first instant. Woo Wai didn't pay my expenses down here the first time I came. His wife, who borrowed thirty dollars from others and gave it to me, paid it.

[Testimony of Pete Capdeville, for the Government.]

PETE CAPDEVILLE, a witness called on behalf of the Government, being duly sworn, testified as follows:

Direct Examination.

(By Mr. STEWART.)

That in November and December, 1910, he was employed as a waiter in Jack's restaurant on Sacramento Street, between Montgomery and Kearney. In November, 1910, Conklin came there with defendant, Woo Wai, two or three times for dinner, and two or three weeks afterwards Conklin came into the restaurant and said, he wanted to treat them with a good dinner and asked the price, but he never came back for it.

[Admission Concerning Wong Wing Sai.]

It was here admitted that Wong Wing Sai was in Redlands, September 6, 1910, and there purchased a watch from witness W. C. Guerth.

[Testimony of C. A. Sims, for the Government.]

C. A. SIMS, a witness called on behalf of the United States, testified that in January, 1911, he was a ticket clerk on the [108—21] Santa Fe Railroad, at San Bernardino. On January 11, 1911, at the hour of 9:30 in the morning, he saw the defendants, Wong Wing Sai and Wong Chung, there. The former bought three and the latter two tickets to San Francisco. On that day there were three trains passed through San Bernardino from Los Angeles which connected with trains for San Francisco. One

(Testimony of C. A. Sims.)

left San Bernardino at 11:10 in the morning; one at 4:15 in the afternoon, and one at 10:30 at night. Only one left at night. It was unusual to sell so many tickets for San Francisco to Chinese.

[Admission that W. M. Van Dyke is a U. S. Commissioner, etc.]

It was here admitted that witness W. M. VAN DYKE is a United States Commissioner of this District and that the Chinese, Wong Dom Him, Wong Ging Wee, Wong Ging Foon, Wong Sum, Wong Kum and Quan Bo, were taken before him and were given a hearing in a deportation proceeding under the Chinese exclusion laws, and that after a hearing on the merits the Commissioner found the said Chinese, to be Chinese laborers, and to be Chinese persons, and here in violation of the exclusion act, and that they never had any certificate entitling them to be in the United States.

[Testimony of C. O. Morgan, for the Government.]

C. O. MORGAN, called on behalf of the United States, testified, that in January, 1911, he was a ticket clerk on the Santa Fe railroad. That on the night of January 11th, 1911, the defendant, Wong Wing Sai came to the ticket window, and said he had purchased two tickets that day but was too late for the train, therefore wished to exchange the tickets for others on the Salt Lake Railroad to Barstow. He had two tickets, the numbers of which were 304-A and 303-A. The witness identified United States Exhibit 35 as one of the tickets. *Wing Wong Sai*

(Testimony of C. O. Morgan.)

purchased a ticket from the witness, which the witness identified [109—22] as ticket No. 307-A, which was offered in evidence and marked United States Exhibit 37. On the following day Wing Wong Sai came to the window and asked the time of departure of the train, and was told 10:30. Wong Wing Sai had with him the two Chinamen, Wong Ging Wee and Wong Ging Foon, who were witnesses in the same case. The witness at that time saw two officers, D. M. Spitler and Ed. Poppett, there conversing with the Chinese.

[Testimony of D. M. Spitler, for the Government.]

D. M. SPITLER, a witness called on behalf of the United States, testified, that in January, 1911, he was a special officer employed at the Santa Fe Depot at San Bernardino. That on the night of January 11, 1911, he saw the defendant Wong Chung about to board a train; with him were the three young Chinese, Wong Kum, Wong Sum and Wong Dom Him, three witnesses in the case. Shortly after the train pulled out, he saw the defendant, Wong Wing Sai inside the depot. On the night following he saw Wong Wing Sai again, this time with two young Chinese. They were approaching the depot, and as they reached it the young Chinese went inside, but Wong Wing Sai walked on. The witness asked the former if they had their papers, and they answered: "No sabe." He then requested Wong Wing Sai to interpret for him but he *said did* not know those two Chinese and refused. They all boarded the train

(Testimony of D. M. Spitler.)

going towards San Francisco, Wong Wing Sai apart from the others. With the witness was a policeman named Poppett.

[Testimony of Edward Poppett, for the Government.]

EDWARD POPPETT, called on behalf of the United States, testified, that he was a police officer and on the night of January 11, 1911, he saw the defendant, Wong Wing Sai, at the Santa Fe station, where the latter had come to meet the overland train going to Barstow, but reached the station a little late. [110—23] On the following night Poppett saw Wong Wing Sai again, this time with two Chinamen. Poppett had on his uniform and as they saw him they separated. He then spoke to the young Chinese asking them for their papers. They did not appear to understand, and said they were from Los Angeles. Poppett attempted to get Wong Wing Sai to interpret for him but Wong Wing Sai said he didn't know the two Chinese, and the witness could get nothing out of him or them. Later they boarded the Santa Fe train going towards Barstow.

[Testimony of A. H. Mulvane, for the Government.]

A. H. MULVANE, called on behalf of the United States, testified, that on January 11, 1911, he was on duty as Station Master at the Santa Fe Depot, at San Bernardino. About the middle of the day, the defendants Wong Chung and Wong Wing Sai accosted him there and questioned him in regard to the train for San Francisco, and the cost of a ticket there.

[Testimony of Quan Bo, for the Government.]

QUAN BO, one of the Chinese for having conspired to bring whom into the United States the defendants were on trial, was called as a witness on behalf of the United States and testified as follows:

My name is Quan Bo. I was born in China. I am a Chinese person. I came to the United States from Mexico. I kept a saloon in partnership in Mexico. I never had a certificate of residence entitling me to be in the United States. I never had any kind of paper at all that in any way related to my entry into the United States. In Ensenada Wong On offered to get me into the United States for \$300. I was to be taken up to San Francisco, but first to San Bernardino, and then somebody would take me from there on. Wong On did not tell me the names of the persons, [111—25] but he said two of his clansmen will be there at San Bernardino. By his "clansmen" he meant the same family—that is Wong. There were eight Chinamen altogether, including myself, who started from Ensenada. In the party there were three Mexicans, guides. We left Ensenada about the twenty-fourth of November, 1910. We walked in the night-time. During the day we slept and the Mexican guides went away to another place. The photograph which you now show me, being United States Exhibit 7 for identification, is the photograph of one of the Mexican guides. (Said photograph offered in evidence marked United States Exhibit 7, being the photograph which has been identified by the witnesses Valenzuela and Weddle as Lerdo Gonzales.)

(Testimony of Quan Bo.)

When we got to San Bernardino the Mexican showed me the letter and two names appeared on the letter. I knew the names written there. They were Wong Wing Sai and Wong Chung. After we arrived at San Bernardino, the Mexican guide asked me in Spanish to go out to the edge of the city, and go with the other men to take the train.

Q. (By Mr. STEWART.) How long were you and the other Chinese at San Bernardino?

Mr. CAMPBELL.—Of course, we understand that all this testimony is under the general objection which I made at the commencement of the trial.

The COURT.—Yes.

A. Several days.

Witness further testified that he went with one of the Mexicans who had brought them over from Mexico to the edge of the City of San Bernardino. There they met another Chinaman who gave his name as Wong, but the night was dark and rainy, and the witness could not recognize him. The witness asked this [112—26] Chinaman for his name, and he said his name was Wong, and the witness asked him for the other part of his name, and he said, "That will do. You go back there and don't scatter and I will come to you to-morrow."

On cross-examination, the witness testified as follows:

We remained there over two days, in a forest next to San Bernardino. Seeing that nobody came to us, and there was no food for us, and cold, so I went away from the company. I ran away from the company alone.

[Testimony of Wong Ging Wee, for the
Government.]

WONG GING WEE, another of the alleged Chinese contrabands, called on behalf of the United States, testified that he was a Chinese person, born in China. That he was brought with seven other Chinese, including the witness Quon Bo, the witness Wong Ging Foon, who was a cousin of Wong Ging Wee, and the witnesses Wong Dom Him, Wong Sun and Wong Kun, from Ensenada, Mexico, to San Bernardino, in the United States; that he made his arrangements to be brought into the United States at Ensenada with Wong On, who was there engaged in smuggling Chinese into the United States. That Wong On said somebody would receive the party of eight Chinese, of which the witness was one, in the United States. That he was to pay \$150, American money, to Wong On, and \$150, American money, to Wong Wing Sai for bringing him into the United States. That Wong On told him he would meet Wong Wing Sai at San Bernardino, and that Wong Wing Sai would take him from San Bernardino to San Francisco. That Wong Wing Sai would give him work, and when he earned wages he could pay him. That Wong On would send the eight Chinese along by Mexicans, and a letter would be given to one of the Mexicans to the man who would meet them in San Bernardino. He recognized the photograph of Lerdo [113—27]. Gonzales, one of the Mexican guides. They remained in the mountains outside the city of San Bernardino three or four

(Testimony of Wong Ging Wee.)

days and then met the defendant, Wong Wing Sai, who took the witness and Wong Ging Foon to a lodging-house in San Bernardino. During their stay there, Wong Wing Sai brought food to them, and two days later took them to the train. That when Wong Wing Sai started with them from the lodging-house to go to the train he told the witness to say, in case they should meet any Inspectors, that they did not know Wong Wing Sai. It was evening and as they approached the railroad station they were accosted by two Americans, who asked the witness his residence and destination. His answer was, that he had no certificate of residence. Wong Wing Sai gave the witness a railroad ticket, which was introduced as evidence by the attorney for the United States. The Chinese boarded the train for San Francisco, Wong Wing Sai sitting apart from the others. Before the train came in Wong Wing Sai told the witness and Wong Ging Foon that if they were ever caught by the Inspectors they were to say they didn't know Wong Wing Sai, and all the Inspectors would do would be to order them back to a smaller city. Wong Wing Sai told them several times not to tell people they knew him, and to just watch him in order to know when to get on and off the train, and also to get off at Oakland.

The question was asked:

Q. Who got off the train first?

Mr. DENIS.—We will object now to this evidence on the ground that it is incompetent, immaterial and irrelevant—incompetent and immaterial in that the

(Testimony of Wong Ging Wee.)

facts sought to be elicited from this witness at this time were long subsequent to the consummation of the conspiracy.

The COURT.—That, as Mr. Campbell suggested, comes in under that objection. [114—28]

Mr. DENIS.—I only make that objection because I think this is an unnecessary expenditure of valuable time.

The witness further testified, that while on the way they were arrested by Conklin and another Inspector, and both taken to a house in a small town, where they found the defendant Wong Chung. That in said house to which they were taken Wong Wing Sai said to the witness, "Now, we are under arrest. Maybe we are to be taken to Los Angeles or elsewhere, but wherever it may be you just as well acknowledge it, and then they will send you back to China. If you admit we know each other, it may involve your staying here a long time, and you will have to go to jail." All the Chinese were taken to Los Angeles and put in jail. In the jail Wong Wing Sai said to the witness, "Now, we are under arrest, and you had better not say anything. That would be best. If you say anything that you and I know each other and know these doings, it may cause you several years in jail—imprisonment."

[Testimony of Wong Dom Him, for the Government.]

WONG DOM HIM, another of the alleged Chinese contrabands, called on behalf of the United States, testified that he was a Chinese person, born in China,

(Testimony of Wong Dom Him.)

where his occupation was that of a farmer. That he came to the United States to work; that he never had any kind of a paper relating to his entry or remaining in the United States, that he was one of a party of eight Chinese including Wong Ging Wee, Wong Ging Foon, Wong Sun, Wong Kun, Quan Bo, and two others who had, at the time of the trial, been sent back to China, one of whom belonged to the Wong family, and the other to the family of Nim, which started from Ensenada, Mexico, and who were taken by three Mexicans (the photograph of one of whom the witness recognized, as shown in United States Exhibit No. 7), from Ensenada, Mexico, to the United States. [115—29]. That he made similar arrangements with Wong On to those made by Quan Bo. The witness paid Wong On \$200 in Mexican money, and Wong On told the witness that he could pay the balance to Wong Chung after getting over into the United States and earning it. That Wong On told the witness that Wong Chung would meet him at San Bernardino and take charge of him, and take him to San Francisco. When they reached the edge of the city of San Bernardino, he and Wong Sung and Wong Kun were turned over by the Mexicans to the defendant Wong Chung, who took him and the two other Chinese to an old worn-out house. They remained there three days and were then taken by Wong Chung to the railroad station where they boarded a train, Wong Chung sitting apart from the rest. Wong Chung paid for the railroad ticket which was then introduced in evidence,

(Testimony of Wong Dom Him.)

and marked "U. S. Exhibit 35." Wong Chung said to me and the other two boys with me, "We are going to take the train this evening for the city. Don't be afraid." He said: "The Inspectors not here; they are all gone away." He told us to stay in one car and he would stay in another, and for us to get off the train when he did. While on the train they were arrested by Conklin and another Inspector and taken to a lodging-house, and next day to jail. At the lodging-house Wong Chung told us, Wong Kun, Wong Sun and myself, not to admit that he took us along. He said "I have plenty money to spend. If you acknowledge, I will send you to jail for two or three years. If you don't and they deport you to China, I will pay you Four Dollars Mexican money each and get blankets and clothing for you." In the jail he told us not to acknowledge that he took us, and said to us, "If you acknowledge, we will transfer the case to Sacramento to the State Courthouse." [116—30]

[Testimony of Wong Sun, for the Government.]

WONG SUN, another of the alleged Chinese contrabands, called on behalf of the United States, testified that he was one of a party of eight Chinese which came from Ensenada to San Bernardino. He was born in China and came to the United States from Mexico to find work. He made the same arrangements with Wong On in Ensenada as were made by Wong Dom Him, including the payment of money to Wong Chung. Arriving there they were delivered to the defendant, Wong Chung, at night.

(Testimony of Wong Sun.)

Wong Chung then took them to an old house. He gave Wong Sun a railroad ticket, and at night they took the train from San Bernardino, riding in separate cars at first. Wong Chung told them to get off the train where he got off. While on the train they were arrested by Conklin and taken to jail in Los Angeles. After we were arrested Wong Chung told me not to say anything against him. He told me not to say he was the person to guarantee my coming over and that when I was deported to China he would get me four dollars to buy a blanket. In jail he said the same thing to me.

**[Testimony of Wong Ging Foon, for the
Government.]**

WONG GING FOON, another of the alleged Chinese contrabands, called on behalf of the United States, testified that he had made the same arrangements with Wong On in Ensenada as were made by Wong Ging Wee, including the payment of money to Wong Wing Sai. That he was one of a party of eight Chinese boys who were taken by the three Mexicans from Ensenada to San Bernardino, where the witness and Wong Ging Wee were turned over to the defendant Wong Wing Sai, who took them to a lodging-house. There he told us should we ever be arrested, to say we were not acquainted with him, and if we say we know each other, the case will involve a long time. Wong Wing Sai then gave the witness a railroad ticket for San Francisco and at night they boarded a train, Wong [117—31] Wong Sai sitting apart from the others. Next morning at four

(Testimony of Wong Ging Foon.)

o'clock they were arrested on the train by Conklin and by him taken to a lodging-house. There Wong Wing Sai told me not to admit that he was the person to convey me on the way; that if I do, the case may last for a year or so. We were afterwards taken to jail in Los Angeles. There he told me not to say anything against him, and that he would be bailed out in a few days, and he would then bring me coffee, sugar and provisions to the jail.

**[Testimony of Fernando Sanford, for the
Government.]**

FERNANDO SANFORD, a witness on behalf of the United States of America, testified as follows:

That he is a Professor of Physics at Stanford University. That on August 15, 1907, he was appointed confidential agent of the Immigration Commission. His duties were generally to assist Professor Jenks, a Commissioner, in any work to which he chose to assign him. On August 6, 1908, he was put in charge of the investigations of the offenses and violations of the Immigration Laws on the Pacific Coast, in which work he continued until March 1, 1909.

In October, 1908, Sanford, acting in his official capacity, went to San Diego to consult Weddle and Conklin, Customs Inspectors, in regard to a meeting with G. M. Roy and Woo Wai. Roy had been employed in Sanford's presence by Professor Jenks as a detective, to act in connection with Sanford's investigation and reported to him. Sanford knew that Roy was going down to San Diego to introduce Woo Wai to Weddle and Conklin, and to give him an op-

(Testimony of Fernando Sanford.)

portunity to make an offer to bribe them to bring men across the border. At this meeting with Weddle and Conklin, Sanford asked them to appear to acquiesce in this proposition. [118—32]

[Testimony of Harry H. Weddle, for the Government.]

HARRY H. WEDDLE, called on behalf of the United States, being duly sworn, testified as follows:

I have resided at San Diego, California, for about twenty years. Am Inspector in Charge of the Immigration Service of the United States in the District of San Diego, which now comprises San Diego County, and extends up to Santa Ana and Riverside, but during 1908, 1909 and 1910 it took in all of Southern California south of Monterey County, and I was then in charge of all Inspectors operating in that territory up to June 30, 1910. I know Mr. Conklin. He is a Chinese Inspector stationed at San Diego under me, and operates under my direction. I know three of the defendants, Woo Wai, Wong Yee and Wong Chung. I have seen United States Exhibit 5.

Mr. STEWART.—This letter has not been read to the jury. I desire to read it.

Mr. Campbell.—What is the letter?

Mr. STEWART.—Letter of March 31, 1910, United States Exhibit 5.

Mr. CAMPBELL.—I have no objection.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 5—Letter, Dated March 31, 1910—
Woo Wai to Conlan.]

“San Francisco, Mar. 31th, 1910.

Mr. Conlan

My Dear Friend I took train from S. F. friday evening Come Los Angeles Saturday afternoon two o'clock take train Come down San Diego at seven o'clock night April 3 I sent you letter you must in your home wait for me Saturday night from 8 to 9 o'clock want meet you of business G. M. Roy not in city. I with Wong Yee Come he was seeing you before I want you tell Mr. Weddle meet me at you house

You respectfully

WOO WAI.”

The WITNESS.—I first saw that letter when Mr. Conklin brought it to my office (in San Diego),—I think the 1st or 2d of April. I don't know the day of the week. [119—33]

After receiving that letter I went to Mr. Conklin's house that evening about 7:30 and waited for Woo Wai, Wong Yee and Wong Chung. We had a conversation, all five being present in Mr. Conklin's private room on the second story of Mr. Conklin's house. When Mr. Conklin brought the three gentlemen to the room Woo Wai and all of them said, “How do you do,” and shook my hand. Then Woo Wai said they were ready to go ahead with the offer that they previously made us, which was \$50 apiece for all Chinese that passed from Mexico through our district in safety to their destination. Woo Wai said he came down there because he could no longer do busi-

(Testimony of Harry H. Weddle.)

ness in San Francisco because a new man named Watts had been recently appointed in San Francisco. Wong Yee then said that he was going [120—34] to Ensenada to make arrangements with a Chinese merchant there to act as receiving and forwarding agent for Chinese coolies that they expected to bring into this country. Woo Wai said his private mark was H. S. W. W., and that any correspondence we received so signed would be all right. I then told him that I would move the Inspectors into a different part of the district when bunches of Chinamen were coming through. This he had requested in our previous interview.

Q. (By Mr. STEWART.) When was the last previous conversation you had with any of them?

A. I had a conversation with Wong Yee on December 19, 1908, at Inspector Conklin's house, in the same room. Wong Yee said he had made arrangements with a Chinese merchant at Ensenada to act as their agent, and that a bunch of Chinamen would soon come through. That was in December, 1908. He said that the trip from Tia Juana to Ensenada, and from Ensenada to Tia Juana was a hard trip, and that the Chinamen were not anxious to travel over land in the winter time. They wanted to wait until the weather was warmer. I had a previous conversation with Wong Yee on the morning of November 17, 1908. He came to get permission to go to Ensenada and return. I had to refuse him permission, as he did not have proper papers. I later allowed him to go because of a telegram from the

(Testimony of Harry H. Weddle.)

Secretary of Commerce and Labor. The telegram introduced in evidence is marked "United States Exhibit No. 26."

Professor Sanford was a Special Agent of the Immigration Commission, and his work was to investigate violations of the Chinese Exclusion laws in the Western part of the United States, from the Mexican border to the State of Washington. I know that the telegram referred to [121—35]. Wong Yee because I received a letter from Professor Sanford—

Mr. CAMPBELL.—We object to that.

Mr. STEWART.—We have the letter.

Mr. CAMPBELL.—I withdraw the objection on the suggestion of my associate. I would like to have the letter read into the record.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 27—Letter, Dated December 2, 1908—Sanford to Conklin.]

"Fairmount Hotel, San Francisco,

Under Management of Palace Hotel Company.

Dec. 2, 1908.

Dear Conklin I have seen our friend since his return, and I think we will make matters all right yet. If someone else comes down there, tell Weddle to let them through anyway. I suppose he has received the telegram from Sec Straus concerning Hoo Wai. The secretary wired me that he would instruct him to let him pass. I will stand the responsibility of your letting another man through if necessary. Use him yourself for all he is worth.

(Testimony of Harry H. Weddle.)

I have heard from Washington today that the collector will be agreed upon tomorrow evening. Ballow is likely to get it I think. Allen recommended him and said Ward would agree to him. I think he will help you all he can if he goes in, and Todd will be safe.

I hope you will get Keno and Todd if he wants to change; but he must not be forced out. I hope we may have some good news for you before long. If matters go as I hope they will, we can give you lots of help.

Hoo Wai says the inspector in charge at El Paso is a bad man. He will do business with only one Chinaman; but the other inspectors do business with anybody.

With best regards to Weddle and Agard,

Yours sincerely,

FERNANDO SANFORD." [122—36]

The letter was introduced in evidence, and marked "United States Exhibit No. 27."

The WITNESS.—Professor Sanford was also a professor at Stanford University—physics, I believe. Keno and Todd mentioned in the letter, were Keno Wilson, Chief of Police of San Diego, and Mr. Todd, was former Customs Inspector.

I had a talk on November 16th, 1908, with *Woo Wai*, *Wong Chung* and *Wong Yee* at Inspector Conklin's house. I went there because of the letter I received from Professor Sanford. When I went into the room *Woo Wai* got up and said "How do you do," shook my hand, and introduced me to *Wong Yee* and *Wong Chung*, who, he said, were his busi-

(Testimony of Harry H. Weddle.)

ness partners, and trustworthy men. That was the first time I ever saw Wong Yee and Wong Chung. Woo Wai then said they called to make an offer to Inspector Conklin and myself of \$50 apiece for all contraband Chinese who passed through our district from Mexico safely to their destination, and he requested us to move the inspectors where they would be away from the point at which the coolies would cross the line, and under instructions, I assented to this. Wong Yee said the best place for Chinamen coming from Ensenada, Mexico, to take the train for San Francisco would be at Burbank, near Los Angeles. He said the station wasn't near the houses in the town, and that he had friends who had come in that manner. Wong Chung also said that that would be a good place to have the Chinamen take the train. Woo Wai said that Burbank was not the place, but that Orange, Cal., would be a proper place for Chinese to come from Mexico to take the train, as it was farther from Los Angeles, and inspectors stationed at Los Angeles would not be so apt [123—37] to hear of Chinamen taking the train there. He said he would secure a Chinese merchant at Orange to act as his agent there. Wong Yee then said he would come down to the Immigration Office the following morning in order to go to Ensenada, Mexico, to secure a Chinese merchant there to act as their agent. Then Woo Wai stated that his private mark was H. S. W. W., and any correspondence we received that way would be all right, and would come from him. I first saw Woo Wai at the Immigration Office on the evening of October 26, 1908.

(Testimony of Harry H. Weddle.)

Inspector Conklin and a man named G. M. Roy were present. I was in the office when Woo Wai, Roy and Conklin arrived. Roy introduced me to Woo Wai. Woo Wai said that he had a business proposition to offer, and then he said that if we would allow Chinese to come from Mexico and pass in safety through our district, that he would pay us \$50 apiece upon their safe arrival at their destination. Acting under orders, we assented.

I have seen the letter dated August 22, 1910, marked "United States Exhibit No. 12" for Identification. Inspector Conklin brought it to me shortly after he received it.

Mr. STEWART.—This letter is as follows (reading):

[U. S. Exhibit No. 12—Letter, Dated August 22, 1910—H. S. W. W. to Conklin.]

"San Francisco, Aug. 22th, 1910.

Mr R L Conklin Six men Come from San Diego to Redland please take Care for Them. Mr Roy in New York until six men Come City I will send up to you.

H S W W

Some more Come after I will send you letter."

Envelop: "R L. Conklin 860 21th St. San Diego, Cal."

Mr. STEWART.—This envelope bears the postmark, San Francisco, August 23, 3:30 A. M. [124—38]

(Letter and envelope marked "United States Exhibit No. 12.")

(Testimony of Harry H. Weddle.)

The WITNESS.—That is the first notice in writing I had from any of these defendants about Chinese coming into the United States.

Q. (By Mr. STEWART.) What did you do, if anything, upon first seeing that letter?

A. I directed all our inspectors to watch the line very closely.

I have seen the letter marked “United States Exhibit No. 13” for identification. Inspector Conklin brought it to me as soon as he received it. He was under instruction to bring all correspondence to me.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 13—Letter, Dated September 8, 1910, to R. L. Conklin.]

“San Francisco Sept. 8th, 1910.

R L Conklin. 6 pkg Come in City tonight no trouble. H S W W Some more Come after I will send you a letter.”

(Said letter is marked United States Exhibit No. 13.)

The WITNESS.—I saw the letter postmarked “San Francisco, October 5, 1910,” dated same day, marked “United States Exhibit No. 14” for identification. Mr. Conklin brought it to me.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 14—Letter, Dated October 5, 1910—H. S. W. W. to Conklin.]

“San Francisco Oct 5th 1910.

Mr R L Conklin.

My Dear Friend I ought Come down see you several weeks ago because I am sick Cannot come

(Testimony of Harry H. Weddle.)

very Sorry for that I will sure Come Friday evening seven o'clock train October 7th 1910 I arrive San Diego Saturday night at seven o'clock Oct 8th 1910 you must in home wait for me until I Come don't disappoint me get Mr. Weddle Come you house I want see you both.

Your Respectfully

H S W W."

(Marked United States Exhibit No. 14.)

The WITNESS.—I think I saw this letter the 7th or 8th of October. I saw Woo Wai and Mar Jick at Inspector Conklin's [125—39] house about 7:30 in the evening of October 8th. That was the first time I ever saw Mar Jick. At first, Conklin, Woo Wai and myself were present, and Woo Wai said that his men had arrived from Ensenada, Mexico, in Oakland safely; that they were placed in the basement of Wong Chung's store at 620 Harrison Street, Oakland, until they recovered from their footsore condition; that they had been brought from Redlands, California, on the Santa Fe by a man he had sent out from San Francisco; that these Chinamen had paid him \$280 apiece to be brought into the United States; that out of this sum his agent at Redlands had paid the Mexican bodyguard who brought the Chinamen from Ensenada, Mexico, to Redlands \$120 and had given the Mexican \$6 apiece for each Chinaman for food en route from Ensenada, Mexico, to Redlands; that there were thirteen—that the railroad fare from Redlands to Oakland was \$13 apiece about; that he paid \$50 to his agent at Redlands for each Chinaman, and that if he paid \$50 to Inspector

(Testimony of Harry H. Weddle.)

Conklin and myself, with the expenses of the guide from San Francisco to Redlands and return, his profit would be but \$34 per man. He said that the Chinese had taken twenty-two days from Ensenada to Redlands; that a few days before they arrived at Redlands three of the Chinamen played out, and the Mexican bodyguard hired a rig to haul them into Redlands, and requested pay for this, but it was refused him; that three days after the Chinamen and their guide left Redlands, the store at which they had been secreted there was raided by inspectors.

I think we received the letter marked Exhibit 12, dated August 22d some time the first part of September, 1910. The letter went to Conklin's house at San Diego, when Conklin was stationed at Chula Vista, and he didn't [126—40] get his mail for some time. The inspectors who raided the Chinese store at Redlands were sent out on my request. Conklin stated to Woo Wai that in order to be fair we would split the difference between the \$50 we were to receive and the \$34 he would have, and we would each receive \$42 a head. Woo Wai then placed \$300 in gold on the table, and not having any change we returned Woo Wai \$50 in gold in \$5 gold pieces. After Woo Wai left Conklin and I put the money in a purse and then put it in an envelope, sealed the envelope in four places, and stamped the seals with the letter "E." The seals have never been broken. I identify the envelope you show me as the one just testified to. The envelope, purse and money, introduced in evidence, and marked "United

(Testimony of Harry H. Weddle.)

States Exhibit No. 28."

We had some further conversation. Woo Wai stated that he had been sick and not able to come down as soon as he expected. He said that A. W. Hall in San Francisco was bringing in Chinese by water, and that he brought in between four and five hundred Chinese in the previous year, and unless we caught him we would be unable to do any business. He said he would get information that might enable us to catch Hall; that it was necessary for us to do so before much more business could be done. We told him that we were anxious to get any evidence against any Chinese smugglers that we could; that we wanted to get it. Then Woo Wai said he had a friend downstairs that he wished to bring up and introduce, and he motioned at the money lying on the table, and Inspector Conklin covered it with a newspaper. Then Conklin and Woo Wai went down and brought Mar Jick back. Woo Wai introduced me to Mar Jick as a friend [127—41] of his and a very reliable man.

I know Lerdo Gonzales, and recognize United States Exhibit 7 for identification as photographs of him. I know Rosario Siaz, and recognize United States Exhibit 8 for Identification as photographs of him. In November, 1910, and December, 1910, I detailed Mr. Conklin to go to San Francisco to pursue the investigation in this case.

Cross-examination.

(By Mr. CAMPBELL.)

I know William R. Wheeler. He got my appoint-

(Testimony of Harry H. Weddle.)

ment for me. I met G. M. Roy once; met him at the Immigration office in San Diego on October 26, 1908. I do not know what business he was in before that time. No one introduced me to Roy, and at that time I didn't know he was Roy.

Acting under instructions of Professor Sanford and Mr. Wheeler, the Assistant Secretary of Immigration, I listened to what Woo Wai had to say. I didn't know Woo Wai was coming; I knew a man was coming. Professor Sanford wrote me that a man was coming. He told me to apparently consent to what this man suggested. I don't know whether Professor Sanford knew what the man was coming for. I didn't intend to trap the man. I don't know what relation Mr. Roy had with Professor Sanford, nor do I know Roy's business. I know by newspaper reports that he was a detective in San Francisco. I didn't know it at the time. I don't know where he is now.

Q. (By Mr. CAMPBELL.) Is that the information you got from Professor Sanford? (Referring to a telegram.)

A. That, and the verbal instructions from him.

Q. And this one dated October 25—the one dated [128—42] October 24th you say you received?

A. Yes, sir.

Mr. CAMPBELL.—I offer that in evidence in connection with the cross-examination.

Mr. STEWART.—I believe one of the defendants is absent.

The COURT.—The defendants have no right to

(Testimony of Harry H. Weddle.)

depart from this courtroom. Counsel must instruct their defendants, or I will see that they are in charge of the marshal. Of course, I believe he did it inadvertently, but I wouldn't want any error to get into the case when we are not aware of it.

Mr. STEWART.—I think this testimony should be gone over again.

Mr. CAMPBELL.—How long was he out?

Mr. SOOY.—About two minutes. (After asking defendant a question.)

Mr. STEWART.—I suggest that the reporter read the testimony to him.

Mr. CAMPBELL.—We consent that he never was out.

The COURT.—Well, it does not appear on the record—well, it does appear?

The REPORTER.—It does appear now, your Honor.

The COURT.—I am satisfied he did not intend to go out. They should be made distinctly to understand that they must not depart from the courtroom. They were sitting there together and they are liable to go out without attracting my attention.

Mr. CAMPBELL.—You must not go out at all. When you want to go out, speak to us and we will ask the Court to let you go. You have no right to go out of the courthouse at all till court adjourns.

Mr. STEWART.—Will you read what transpired since? [129—43]

The COURT.—Tell them if any of them want to go out the Court will be ready to permit them.

(Testimony of Harry H. Weddle.)

The reporter hereupon reads the testimony sufficient to cover the time of the absence of the defendant from the courtroom.

Mr. CAMPBELL.—(Reading:)

**[Defendants' Exhibit "A"—Telegram, Dated
October 24, 1908—Sanford to Weddle.]**

“Palo Alto, Calif., Oct. 24, 1908.

H. H. Weddle, U. S. Immigration Office, San Diego,
Cal.

Parties will leave Monday evening the twenty-sixth.

SANFORD.”

(Telegram marked Defendants' Exhibit “A.”)

Mr. WEDDLE.—I received the telegram the 24th or 25th; I think the 24th. I did not know what parties were coming. Professor Sanford told me in a previous interview that he wished to get certain information regarding San Francisco, and any party that came down to see me and interview me, to apparently consent to any offer they made. I told him at that time I would not do anything to break the law, but would apparently consent. I never intended to break the laws, nor to enter into any conspiracy with Woo Wai or anybody else to break the law. All I wanted was to find out what they wanted to do, and I followed it subsequently for the purpose of trying to arrest them. That was not my intention from the start, as I thought Professor Sanford wanted to get certain information from Woo Wai and wanted to get a hold on Woo Wai to get that information.

(Testimony of Harry H. Weddle.)

Q. And Professor Sanford wanted to get information in relation to Dr. Gardner and Mr. North of the Immigration Commission in San Francisco?

A. He didn't tell me that.

Q. The immigration officers there?

A. People connected with the immigration offices. He didn't say who. I believe he wanted a hold on Woo Wai to make Woo Wai tell him those things.
[130—44]

Q. And that is the purpose for which you entered into all those things?

A. That was the first part; yes.

I received the telegram dated October 25th in due course; the day before Mr. Roy and Woo Wai came down there.

Mr. CAMPBELL.—I will offer that in evidence, and have it marked Defendants' Exhibit "B."

Mr. CAMPBELL.—(Reading:)

**[Defendants' Exhibit "B"—Telegram, Dated
October 25—Sanford to Weddle.]**

"Palo Alto, Cal., Oct. 25.

H. H. Weddle, Immigration Office, San Diego, Cal.

Party will call Conklin's home tomorrow Monday evening please be within reach.

SANFORD."

I first saw Roy and Woo Wai at the Immigration Office with Mr. Conklin, on the 26th of October, 1908. Roy introduced me to Woo Wai, saying, "This is my friend." I was not a friend of his; never saw him before, and didn't know him. I did not contradict him. We apparently accepted Woo Wai's offer of

(Testimony of Harry H. Weddle.)

\$50 for every Chinaman that came into the United States across the border. We didn't intend to take it, or to let any Chinaman come across the border, but were doing that for the purpose of getting a hold on Woo Wai to find out something that he knew. The \$50 was to be divided between Conklin and myself. Roy didn't say that he was to get any portion of it. I saw Woo Wai again November 16th, 1908, in Mr. Conklin's house with Wong Yee and Wong Chung, where he made the same offer again. We apparently agreed to it. I did not see Woo Wai again until April 2d, 1910, and had no communication with him except on December 28, 1908, when we received some Christmas presents from him. We received presents on one other occasion, and kept them for the purpose of bringing them in as evidence. I never sent him any presents, nor do I know of Mr. Conklin sending him presents. The letters Mr. Conklin received [131—45] from Woo Wai he turned over to me. I saw one or two of the letters he wrote to Woo Wai; I don't know how many he wrote. Mr. Conklin was acting under my instructions. We were not making any investigation for Mr. Sanford between December, 1908, and March, 1910. I was acting under Professor Sanford's instructions in 1908. In March, 1910, I was acting under the verbal instructions of the Assistant Secretary of Commerce and Labor and the Commissioner General, to follow out the clue made by Woo Wai's offer that there was smuggling going on. We were instructed by William R. Wheeler and the Com-

(Testimony of Harry H. Weddle.)

missioner General in a talk that if Woo Wai renewed his offer we were apparently to continue to accept it. This was in the fore part of 1909. Mr. Wheeler said he didn't believe anything further would be done by Woo Wai.

Q. (By Mr. CAMPBELL.) He didn't believe anything further would be done by Woo Wai? And you haven't any idea, as you said there, Mr. Witness, how it came that Woo Wai on the 31st day of March, 1910, wrote a letter to Mr. Conklin, have you? A. Yes, sir.

Q. How?

A. Because he wanted to smuggle Chinese.

Q. He wanted to smuggle Chinese in 1908, didn't he? A. Yes, sir.

Q. But he did not smuggle any Chinese from December, 1908, to March, 1909, to your knowledge?

A. Not to my knowledge.

Q. That is what I want to find out. How do you know, or do you know, how it was that after having had a conversation with you in 1908, in the latter part, say in December, that the thing was allowed to sleep until March, 1910, and all at once wake up again? [132—46]

A. Woo Wai explained that in his visit of April 2d, 1910.

Q. What did he say?

A. He said he could no longer do business in San Francisco because there was a new man there named Watts.

Q. Don't you know he never did business in San

(Testimony of Harry H. Weddle.)

San Francisco? A. No, sir.

Q. Do you know that he did? A. No, sir.

Q. Whom did he tell that to?

A. To me and Inspector Conklin, in Conklin's house in the presence of Wong Yee and Wong Chung, in April, 1910.

Q. But you don't know why he wrote this letter on March 31, 1910, do you?

A. I have just stated that he explained why. All he said was that he couldn't do business any more in San Francisco. I don't understand what he meant in the letter of March 31, 1910, by "G. M. Roy not in the city." Mr. Roy had nothing more to do with his business after I saw him in 1908 that I know of. He came down and met Inspector Conklin in November, 1908, in Los Angeles.

Q. (By Mr. CAMPBELL.) Oh, before he came down with Woo Wai? A. No, sir.

Q. Afterwards again?

A. Yes, sir. I didn't see him after that. I passed Wong Yee across the line in 1908 under instructions of Mr. Straus, Secretary of Commerce and Labor. I think I gave him a card. He said he was going into Mexico for the purpose of getting an agency to ship Chinamen across the border.

Mr. CAMPBELL.—I offer this in evidence.
(Reading:)

(Testimony of Harry H. Weddle.)

[Defendants' Exhibit "C"—Card.]

"Permit Yee King to pass into Mexico & return.

HARRY HEDLEY WEDDLE,

Inspector in Charge."

It is on his card. [133—47]

(Card is marked Defendant's Exhibit "C.")

The WITNESS.—The first letter Professor Sanford wrote me said he had a matter of importance, and he wished to see me. I did not go to see him in answer to the letter, he came to San Diego to see me. He didn't mention anybody's name. He said he was conducting some investigations in San Francisco, and that he wished to get a hold on some one up there, but he didn't tell me his name. After the first meeting with Woo Wai, he told me his name. I knew simply because Woo Wai came that he was the person Mr. Sanford meant. I didn't know anything about Mr. Roy. Roy introduced me as his friend, and Woo Wai said he had a business proposition to make us, and that Roy said we were all right; and then he said if we would allow Chinamen to come through the district, upon their safe arrival at their destination he would pay us \$50 a head for each Chinaman that arrived safely at his destination that passed through our district, and I assented. I don't remember the exact words I used. Mr. Conklin did the same. Mr. Roy didn't say anything about it. I think Inspector Conklin and myself both said there was a good deal of danger to us. Woo Wai didn't say, "I don't know about this; this is dangerous," nor did we say, "No danger at all. We are

(Testimony of Harry H. Weddle.)

the Government.” Nothing of the kind was said in any conversation I ever had with Woo Wai, or that I ever heard. Mr. Roy said, “This is my friend and he is all right.”

Q. What did you understand him to mean when he said you were all right?

A. I suppose it meant I was all right to do business. I reported this conversation to Mr. Sanford at a meeting with him November 14, 1908, at the Alexandria Hotel. Then he told me it was Woo Wai that was coming, and upon whom he wanted to get a [134—48] hold. He said that Woo Wai, from information that he had received, was engaged in importing Chinese prostitutes in San Francisco, and he wished to get a hold on him. He said he had evidence and reports that he was engaged in that business. He wanted to get a hold on him so as to make Woo Wai come through and tell who his confederates were. Neither myself nor anyone under me intended to enter into a conspiracy with anyone to violate the laws of the United States, nor did we intend that Woo Wai or any person should bring any Chinamen across the Mexican border, nor to accept any money from Woo Wai for allowing him to do so. I did not at any time intend to accept any money or enter into any fraudulent conspiracy with Woo Wai. Subsequent to April 2, 1910, we wished to get evidence personally against Woo Wai in order to arrest him, but didn't enter into any conspiracy to allow Woo Wai for money to bribe us. I did nothing to induce Woo Wai to bring Chinamen across the line. I saw the

(Testimony of Harry H. Weddle.)

letters which Mr. Conklin wrote to Woo Wai at the time they were written, or afterwards. Some of them were signed "R. L." I don't remember whether the ones I authorized were written in handwriting or typewriter. Mr. Conklin's house address was 860 Twenty-first Street, San Diego, Cal. The address on the envelope you handed me is that of Mr. Conklin's house. The postmark on the envelope is San Diego, January 3, 1911. I saw the letter after it was written. I did not authorize it. At that time I was under the Los Angeles office. Mr. Conklin was under me at that time. I did not authorize the sending of the letter, but acquiesced in it. I made no objection to it, and knew the purpose of it.

Mr. CAMPBELL.—I offer this letter in evidence, together with the envelope.

(Letter and envelope marked Defendants' Exhibit "D.") [135—49]

Mr. CAMPBELL.—(Reading:)

[Defendants' Exhibit "D"—Letter, Dated January 8, 1911—R. L. to Woo Wai.]

"Los Angeles, Cal., Jan. 8, 1911.

Woo Wai, San Francisco, Cal.

Dear Friend: Your letter saying eight men at San Bernardino received. Nobody watching Fresno. Nobody watching at Barstow, I was at Barstow before. Mr. Conklin tell me this morning that inspector at Bakersfield and inspector at San Bernardino must be in court at Los Angeles on Wednesday, January 11, 1911, at 9 o'clock, in the morning.

(Testimony of Harry H. Weddle.)

Maybe the case last two days. You must get your men out Wednesday night the 11th, or Thursday night the 12th, better you go out Wednesday night the 11th on the Santa Fe. You must send word your man at San Bernardino go out Wednesday night 11th January on Santa Fe. Maybe better you telegraph.

R. L."

The envelope is, "860 Twenty-first street, San Diego, Cal." The stamp is, "San Diego, Jan. 3, 11 P. M. 1911, California." Addressed, "Woo Wai, 684-85, Clay Street, San Francisco, Cal."

The WITNESS.—I have seen the letter dated Los Angeles, December 8, 1910; I saw this copy after the letter was written and forwarded. I never saw the envelope.

Mr. CAMPBELL.—We offer the letter and envelope.

(Marked Defendants' Exhibit "E.")

I think the purported telegram dated San Francisco, California, November 27, 1910, is in Mr. Conklin's handwriting, but I won't swear to it. Mr. Conklin was in San Francisco in the latter part of November, 1910. I remember receiving a wire from him telling me to go to his house to get a letter.

Mr. STEWART.—We will admit that Mr. Conklin wrote it to Mr. Weddle.

Mr. CAMPBELL.—(Reading:)

[Defendants' Exhibit "G"—Telegram Dated November 27, 1910—Conklin to Weddle.]

"San Francisco, Cal., Nov. 27, 1910.

To H. H. Weddle, Immigration Service, San Diego, Cal.

Send Chadney to Delzura immediately. Work toward east. Get letter [136—50] my house.

CONKLIN.

Official biz."

Mr. CAMPBELL.—(Reading:)

"San Bernardino, Calif., Dec. 25, 1910. Woo Wai, 766 Clay Street, San Francisco, Calif. Merry Christmas. R. L. 10:30 P. M."

(Said telegram is marked Defendants' Exhibit "G.")

Mr. STEWART.—No objection to this going in evidence.

Mr. CAMPBELL.—This is January 8th, 1911—is this admitted?

Mr. STEWART.—Yes.

Mr. CAMPBELL.—(Reading:)

[Defendants' Exhibit "H"—Telegram, Dated January 8, 1911, R. L. to Woo Wai.]

"Los Angeles, California, January 8, 1911.

Woo Wai, 766 Clay Street, San Francisco.

I sent you letter today and told you what to do. Everything be all right. I watch here three days.

R. L."

Mr. CAMPBELL.—That was the trouble. I got the two envelopes mixed. The other one was Janu-

(Testimony of Harry H. Weddle.)

ary 3d, and this is January 8th.

Mr. STEWART.—I would like to have that corrected.

(Last communication read is marked Defendants' Exhibit "H.")

Mr. CAMPBELL.—(Reading:)

[Defendants' Exhibit "I"—Letter, Dated January 2, 1911, R. L. to Woo Wai.]

"San Diego, Cal., Jan. 2, 1911.

Woo Wai, 685 Clay Street, San Francisco, Cal.

My dear friend Woo Wai: Whats the matter you? I arrange everything so that the inspectors watch other train while I watch Santa Fe. One man watch S. P. train Kern City, one man watch Salt Lake. I go San Bernardino and send you telegram you know everything all right. Then I go Barstow watch Santa Fe train. I fix everything at Los Angeles, no trouble then you not send boys. Whats the matter? Everything at Tia Juana all right and boys pass in the hills. Why did not you write me a letter. I passed Wong Wing. I tell him 'all right, you, go ahead.'

R. L."

(Said letter is marked Defendants' Exhibit "I.")

Q. Your first contract was to carry out your instructions from Professor Sanford, was it? [137—51] A. Yes, sir.

Q. By whom were you instructed, then, to get something on Woo Wai to arrest him?

A. By Benjamin J. Cable, the Assistant Secretary of Commerce and Labor, Daniel J. Keefe, the Commissioner General of Immigration, and Professor

(Testimony of Harry H. Weddle.)

J. W. Jenks, Commissioner of Immigration.

The instructions were given—Mr. Keefe, Commissioner General of Immigration, came to San Diego on the first of July, 1909, and we went over that matter with him at that time—I did. And the instructions—he told me then if anything came up about it to, if possible, have Woo Wai arrested. The subsequent instructions I received on May 1st, 1910, at Washington. I made a trip after Woo Wai came—on April 2d, 1910. Woo Wai and Wong Chung and Wong Yee came to San Diego—I made a trip to Washington on purpose to consult Professor Jenks, the Assistant Secretary of Commerce and Labor, and with Mr. Keefe, Commissioner General of Commerce, on that matter.

Q. Professor Jenks was the man who was investigating the Chinese immigration? He was a professor at Cornell, was he not? A. Yes, sir.

I reported fully what had occurred on April 2d, 1910, to those gentlemen.

Q. And what did they advise you to do?

A. Mr. Cable was very anxious to have us, if possible, get further evidence against Woo Wai in order that we might make a conviction. Mr. Keefe stated because of a letter that Professor Sanford had written Woo Wai, he didn't believe that anything else would come of this matter, and Professor Jenks thought the same; but they directed me to go to San Francisco upon my return [138—52] and consult with Mr. Wheeler, who was former Assistant Secretary of Commerce and Labor and was a member of

(Testimony of Harry H. Weddle.)

the Immigration Commission, and also Professor Sanford, and see what they thought could be done in the matter. Which I did. I saw those two gentlemen at Mr. Wheeler's house on the 8th of May, 1910.

Q. (By Mr. CAMPBELL.)—You had a conference with him?

A. Yes, sir. Mr. Wheeler and Professor Sanford told me at that time that they thought that the case ended, as Professor Sanford in April—the same April—had written to Woo Wai advising him that his previous visits to San Diego were known, and directing him that if he continued to try to smuggle Chinese into the United States it would result in his arrest and probable conviction.

Q. (By Mr. CAMPBELL.)—Then you don't know and cannot conceive in your own mind why, on the 13th day of March, 1910, Woo Wai should write a letter to Mr. Conklin in relation to Chinamen?

A. He gave as a reason, on his visit in April, the 2d, 1910, that he was unable to do any more business in San Francisco because a new man had been appointed there named Watts.

I reported that to Mr. Wheeler at the time of Woo Wai's visit in 1908.

Q. Mr. Wheeler was in touch with this entire proceeding?

A. Yes, sir. He told me to follow out Professor Sanford's program.

Q. Why did you have all these meetings at Inspector Conklin's house at the night-time?

A. Because I didn't wish to be seen.

(Testimony of Harry H. Weddle.)

Q. You didn't wish to be seen? A. No, sir.

Q. Why didn't you wish to be seen? [139—53]

A. Why—simply these Chinamen—nobody else in the office was familiar with this deal except Inspector Conklin. We were under strict instructions to keep all these matters secret and only report them to our superior officers.

Q. (By Mr. CAMPBELL.) You were acting under the instructions of your superior officers?

A. Yes, sir.

Q. You were working out a purpose, were you not?

A. Yes, sir.

Q. Now, did you deem it necessary to meet at Inspector Conklin's house in the night-time to confer with these Chinamen? A. Yes, sir.

Wong Yee didn't say in the conversation of November 16, 1908, nor in any conversation, I heard, "I no like this. I fraid."

Q. Didn't you say, the first time, "Oh, no danger. We all the same as the Government"?

A. No, sir.

We told him there was danger for us, and we didn't like the business.

Q. (By Mr. CAMPBELL.) You didn't like the business? A. No, sir.

Q. That was not true, was it? A. Yes, sir.

Q. Was it? Weren't you acting under instructions from your superior officers? A. Yes, sir.

Q. Well, did you dislike carrying out their instructions? A. I disliked such deals; yes, sir.

Q. What was there you disliked about it?

(Testimony of Harry H. Weddle.)

A. I disliked having any meetings, having to have meetings in the dark. [140—54]

Q. In the dark? A. Yes, sir.

Q. Now, isn't it a fact that you disliked the duplicity which you had to assume on behalf of the Government to fool this Chinaman?

A. Well, I certainly wished to arrest him when I found out what business he was in.

Q. You disliked, did you not, to tell the falsehoods and to make him believe you were standing in with him when you were not?

A. Yes, sir; I didn't like it.

Q. And that was the thing that you disliked about it, wasn't it? A. Yes, sir.

Q. In other words, you disliked, in the language of the street, "Putting up a job on the Chinamen"?

A. No, sir; we didn't put up a job on them.

I didn't know that Wong Yee had gone to Ensenada a second time until just before he was arrested, in June, 1911. I am positive that I saw Wong Chung in Mr. Conklin's office. I am positive that we got \$250—not \$260. Mr. Conklin didn't say to Woo Wai "You come down here on some expense and here is \$40." We didn't divide the money; we left it in a pile that was subsequently covered by a newspaper.

Q. This money was paid, as you understood it, for Chinamen that had already come into the country?

A. Yes, sir.

Q. And you intended to pounce down upon them in Redlands? A. Yes, sir.

Q. And you took \$300 of this man's money for

(Testimony of Harry H. Weddle.)

Chinamen that [141—55] you intended to pounce down upon, and then gave him back \$50, did you?

A. Yes, sir.

Q. And that was a month and a half before—the Chinamen had landed and gone away a month and a half before you got this money, hadn't they—about a month?

A. I think it was about a month. I don't remember, sir.

Q. Yes. And you knew at that time that Woo Wai had brought these Chinamen in, and you knew at that time that he had agreed to pay you \$50 a head for them, and you took the money? A. Yes, sir.

The WITNESS.—In December, 1910, Inspector Conklin took a shawl from Woo Wai for me. I didn't send it back to him, but kept it, and brought it here into Court, and all that time I was trying to get evidence against Woo Wai to convict him of a felony or a misdemeanor. Inspector Conklin, on his return from San Francisco, on one of his trips, told me that he and Woo Wai had a talk about a man named Jack, who had a gasoline launch, and that he (Conklin) wanted Jack to go over to Ensenada and bring over two men first. He also said that Woo Wai and Mar Jick wrote a letter. He didn't tell me that he had gotten Woo Wai and Jick to write this letter to be sent over to Ensenada by this man Jack. He said he was present when it was written, and that he took it to send it over to Ensenada by Jack.

Q. You knew Wong Yee was going over to Ensenada, didn't you? A. He stated he was; yes, sir.

(Testimony of Harry H. Weddle.)

Q. Well, didn't you give him the card to go and come back?

A. I gave it to him under the directions of the secretary.

Q. And you knew he was going over there to establish an agency for smuggling? [142—56]

A. He said he was, yes, sir. I didn't know what he was going to do.

Q. And still you asked this man to give you information, according to your testimony, as to what he could find out about smuggling?

A. Yes, sir, and would have been very glad to have gotten the information, and have used it in the service.

Q. And you would, at the same time, put the strong arm of the law upon him, when he got it for you? Is that it?

A. Why, I would have been glad to have taken the information if he turned it in; yes, sir.

Q. Now, I will ask you if it is not a fact that on Mr. Conklin's desk, in his room, between eight and nine o'clock at night, you didn't sit down and take a piece of paper and if you didn't mark out to the Chinamen where Orange was and say to them that Orange was a good place to go because there were two railroads—if you didn't tell them where Oxnard was—show them on the map, drawing where Oxnard was—if you didn't show them where San Bernardino was—if you didn't show them where Burbank was—and if you didn't draw out on a piece of paper all those places and mark that?

(Testimony of Harry H. Weddle.)

A. I don't remember.

Q. Will you swear you didn't?

A. No, sir, I will not swear I didn't.

Redirect Examination.

(By Mr. STEWART.)

The WITNESS.—The Mr. Watts that Woo Wai referred to when he said he could not do business in San Francisco because there was a man named Watts there now was a law clerk stationed in San Francisco about that time. He was sent direct from the Bureau, I believe, I never asked Woo Wai for any presents or any money, [143—57] nor did I know that any presents were going to be sent me before I got them. I never made personal use of any of them.

Recross-examination.

(By Mr. CAMPBELL.)

The WITNESS.—I didn't send them back.

Q. (By Mr. STEWART.) What did you keep them for?

A. Kept them for possible evidence.

HARRY H. WEDDLE recalled.

Direct Examination Resumed.

Q. (By Mr. STEWART.) Mr. Weddle, I now show you Defendants' Exhibit "F," and ask you to state what it is.

A. It is a copy of the original telegram I received from Inspector Conklin when he was in San Francisco November 27th.

Mr. STEWART.—(Reading:) "San Francisco, Cal., Nov. 27, 1910. To H. H. Weddle, Immigration

(Testimony of Harry H. Weddle.)

Service, San Diego, Cal. Send Chadney to Delzura immediately. Work toward east. Get letter my house. Conklin. Official biz."

Q. Will you explain what you did on receiving that telegram?

The WITNESS.—I called Inspector Chadney up at Nestor and told him to go to Delzura, in order to apprehend, if possible, the bunch of Chinamen that were coming across. The card I gave Wong Yee is the only writing or communication I ever gave to any of the defendants.

Cross-examination.

(By Mr. CAMPBELL.)

Q. Had you some understanding with Mr. Conklin that if he got any information from Woo Wai in San Francisco he would send you that kind of a telegram? A. Yes, sir.

Q. And he sent you the telegram in order that you might apprehend the Chinamen?

A. To attempt to do it; yes, sir. [144—58]

Q. Notwithstanding the fact that you had agreed to let them come in? A. Yes, sir.

Q. (By Mr. CAMPBELL.) Was it your ordinary way of doing business to agree to let Chinamen into the United States for \$50 a head, and then go to work and get information from him and arrest him? Was that the way you did your business in San Diego?

A. This is the only time. [145—59]

[Testimony of Ralph L. Conklin, for the
Government.]

RALPH L. CONKLIN, called on behalf of the Government, being duly sworn, testified as follows:

Direct Examination.

(By Mr. STEWART.)

I am 32 years old, and have resided in San Diego almost continuously since '74. I am a Chinese Inspector in the Immigration Bureau. I have been in the service of the Government for eighteen years. I was a Chinese Inspector in April, 1910. I know all of the defendants.

I received United States Exhibit 5, a letter dated "San Francisco, March 21st, 1910," addressed to "Mr. Conklin, My dear Friend," and signed "Woo Wai," at my residence in San Diego, about April 1st or 2d, 1910. After receiving it, I carried it to Mr. Weddle, my Inspector in Charge, and remained at home the night of April 2d, Saturday night, expecting Woo Wai and Wong Yee. I received a telephone message from Woo Wai about 7:30 that they would soon be at the house, and soon after that Woo Wai, Wong Yee and Wong Chung arrived. I took them up to a private room which I used as an office, and they met Mr. Weddle. [146—60]

Woo Wai was the spokesman of the party. We shook hands all around, passed the usual greetings, and then Woo Wai said, "Now, we all right to go ahead do business," and stated there was a man by the name of Watts that had been appointed at San

(Testimony of Ralph L. Conklin.)

Francisco, and they could no longer do business there, so that he came down to see us. He said he was going to send Wong Yee to Ensenada to secure a Chinese merchant there to act as his forwarding agent, and he also stated that his (Woo Wai) private mark was H. S. W. W., and that all communications received by us marked that way we would know were all right and were from him. He said if we would remove the Inspectors from the line so that his men could pass, he would pay us \$50 for each man that passed through our district and reached his destination. He said his men were coming from Mexico. He didn't say where they were going. Mr. Weddle and I assented to it, and said we would remove the Inspectors, and allow the Chinese to come in. This matter was rather sudden and we wanted to lay the matter before our superior officers, and prayed for time more than anything else.

I received a communication from Woo Wai on the 5th of October, 1910, I think it was, stating he had some boys on the road.

I received United States Exhibit 12 for identification, a letter dated Aug. 22d, from Woo Wai before I received the letter of October 5th. I was stationed at Chula Vista at the time this letter came to my house, so I didn't get it for probably a week or ten days. I immediately forwarded it to Mr. Weddle.

I received United States Exhibit 13 for identification, letter dated September 8th, about September 10th. [147—61]

(Testimony of Ralph L. Conklin.)

United States Exhibit 14 was forwarded to me at Chula Vista from San Diego, and I received it about the 7th or 8th of October, 1910.

I met Woo Wai in my home in San Diego at the time mentioned in United States Exhibit 14. He, and a friend, afterwards introduced to me as Mar Jick, arrived at my house, and Woo Wai motioned for the friend to stay downstairs. I took Woo Wai up to my private room, where Mr. Weddle was waiting, and we had a conference. After shaking hands Woo Wai said he had been sick, otherwise he would have been down earlier. He said that the Chinese with their bodyguard had arrived from Mexico at Redlands after a hard journey of twenty-two days—twenty-two nights—through the mountains; that three of the Chinese gave out on the road and the Mexican had to hire a rig to haul them into Redlands and demanded extra pay for securing this rig, but that had been refused; that he paid his Mexican bodyguard \$120 per man for piloting the Chinese through the mountains, and allowed \$6 per head for feeding them on the way; that he paid the men at Redlands who had secreted and boarded them \$50 per head for that service; that he paid about \$13 apiece railroad fare for the Chinese from Redlands to Oakland, and that amount, plus the \$50 he had to pay us per head, and the cost of sending his men down to pilot the party from Redlands to Oakland would leave him only \$34 per head as his profit. He produced \$300. I told him that as long as he made only \$34 profit out of the transaction we would divide

(Testimony of Ralph L. Conklin.)

our profit with him, making \$42 per head for Woo Wai and \$42 for Mr. Weddle and myself as apparent profit of these six Chinese that came through in September by Redlands. We then [148—62] counted the money and I gave Woo Wai back ten \$5 gold pieces, and at Woo Wai's suggestion pulled a paper over the money as he went down to get Mar Jick. I understood from his gesture he didn't want Mar Jick to see the money. The money was left under the paper until Woo Wai and Mar Jick left. After they left, Mr. Weddle and I secured the dates on the nine twenties, four tens and six fives, placed the money in a purse, placed the purse in an envelope, and we then sealed it with red sealing-wax and stamped it with the letter "E," and I signed it and Mr. Weddle signed it across the sealed part. The envelope Mr. Weddle broke here during his testimony is the same envelope and package, and the seals remained unbroken from the night of October 8th, 1910, until they were opened here. I never used any of the money myself, and never intended to. We intended to use it as evidence for the conviction of these smugglers. In the conversation that night, Woo Wai said the six Chinese had been taken to his store in Oakland, 620 Harrison Street, and had been placed in the basement of the store until they had recovered from their foot-sore condition, and then they were sent out to various places. He said a man by the name of Hall was bringing Chinese in San Francisco by boat in opposition to him. Hall brought in over four hundred Chinese and landed them in the

(Testimony of Ralph L. Conklin.)

bay of San Francisco that year. He said, we must put Hall out of business or we can do no business. By "we" he evidently meant Weddle, myself and himself.

On the 22d of October, 1910, Mr. Berkshire, Supervising Inspector of the Mexican Frontier, Mr. Weddle, the Assistant U. S. Attorney and myself had a conference with the U. S. Attorney in Los Angeles, and it was decided to send me north to inquire into the conspiracy and find out [149—63] what they were doing and whether they were still bringing Chinese through. I arrived in San Francisco, November 26th, and that morning visited Mr. Benjamin McKinley, Assistant U. S. Attorney, at San Francisco, and laid the matter before him and asked for instructions. He told me to proceed on the line that was outlined by the Supervising Inspector of the Mexican Frontier. I also saw Mr. Keefe, the Commissioner General of Immigration, and Mr. Stewart, Mr. Keefe told me to proceed along the same lines, and to keep my appointment with Woo Wai for the next day. I saw Woo Wai first, November 27th, 1910, at his residence. As I came to the head of the stairs Woo Wai said: "How do you do? My God! Now you no get my letters?" Then he said he had written two letters to me—I think he said the 23d and 24th—telling me that seven or eight men were on the way from Ensenada and would cross the line there on their way north. He said they were coming by De Wanter, he called it; I think he meant Tia Juana. I had not then received the letters. That

(Testimony of Ralph L. Conklin.)

was the first intimation I had that there were seven or eight men coming in the month of November. I communicated with Mr. Weddle after receiving the information. Defendants' Exhibit "F" is a copy of the telegram I sent Weddle upon getting this information. The "Chadney" mentioned in the telegram is an inspector in the Immigration Service under Mr. Weddle. "Dulsura" is a place just north of the boundary line between the United States and Mexico. The country there is very broken, and Chinese often pass through that country. The latter part of the telegram refers to the letter Woo Wai mentioned to me as having been sent. On invitation of Woo Wai I met him at [150—64] Jack's restaurant, 615 Sacramento Street, the next day for early dinner. The witness, Pete Capdeville, here waited on us. Woo Wai told me of his different business propositions in San Francisco. He also spoke of A. W. Hall again coming in there. Told me how he came up through the bay with his Chinese down below deck in his nets piled on the deck; that he came about evening time. He also spoke of the importation of Chinese by boat as being much easier; that the Chinese boys didn't like these hard trips over land; that they would pay from three hundred dollars to three hundred and fifty apiece if brought in by boat, as it was quicker and much easier. He also spoke at that time of having them brought in by boat. I think he had a friend that had a China boat down south that would bring them in, and I told him that maybe we could find somebody to do that. I suggested a gen-

(Testimony of Ralph L. Conklin.)

tleman by the name of "Jock"—that name was purely fictitious; I never knew anyone by that name. The man that Woo Wai had expected to bring them in by boat had failed him, and I suggested the name of Jock—or Jack—merely for the purpose of obtaining a letter in his handwriting. I don't know the exact words that I used.

I received United States Exhibit "16" for identification from Woo Wai's hands at his house the evening of the 29th. He said, "Here is the letter I wrote you on the 24th. I forgot to mail it." And I took it from his hand. The letter was dated November 4th, and when he said that I added the pencil there. I opened the letter and read it immediately.

Mr. STEWART.—We offer this letter in evidence now. [151—65]

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 16—Letter, Dated November 24, 1910—H. S. W. W. to Conklin and Weddle.]

"San Fran., Nov. 24th, 1910.

Mr. Conklin—Mr. Wheddle.

My Dear friend. I have send you letter last night 7 or 8 mens Come 27—28—30 days in this month November pass De Wanter with the Mexico man walk on the Road go up San Bernardino stop buy ticket Come City I information you the 7 men may be 8 mens must very carefully get you men out let my mens pass with out any trouble if my mens come City I will Come down soon

Your Respectfully

H. S. W. W.

(Testimony of Ralph L. Conklin.)

My mens every one have H. S. mark.”

(Marked United States Exhibit 16.)

Mr. CONKLIN.—I got the letter dated November 23d, later.

Mr. STEWART.—We offer this letter in evidence. It is United States Exhibit 15 for identification.

(Reading:)

[U. S. Exhibit No. 15 for Identification—Letter, Dated November 23, 1910, H. S. W. W. to Conklin and Weddle.]

“San Francisco, Nov. 23th, 1910

Mr. R. L. Conklin—Mr. Harry Wheddle

My dear friend I have 7 or 8 men Come Pass Dewanter walk on Road go San Bernandino from 27 28 or 30 this month they will comeing you must take care get youman out the road let my mens pass My men have H. S. Mark dont disappoint hop you wil carfully untill my men Come City I will Come see you soon.

Your respectfulty

H. S. W. W.

My men first pass Dewanter walk to San Bernandino very carefully try get you man out sure.”

Mr. CONKLIN.—It was arranged that I come to Woo Wai's house that evening to receive a letter to be delivered to Jock—Jack, and also to get some presents. I went to Woo Wai's house that evening. Mar Jick, Woo Wai and myself were present. Woo Wai and Mar Jick spoke in Chinese awhile, and then Woo Wai told Mar Jick to get some paper, and evidently dictated a letter, as [152—66] they

(Testimony of Ralph L. Conklin.)

talked back and forth and Mar Jick commenced to write something, and he wrote along on a letter and then they stopped awhile, and then Woo Wai took the brush or pen and he wrote a little. United States Exhibit 11 for identification is the sheet of paper on which they wrote. Mar Jick wrote on the left-hand side of the paper, and Woo Wai wrote on the right-hand side. That letter was placed in an envelope on which was stamped "Mar Luck." Mar Luck was a Chinese merchant. I asked Woo Wai how Jack, or Jock, would know where to find Mar Luck. I asked him if that was the sign on the store. Then they had some conversation in Chinese, and Woo Wai said "No"; then Woo Wai took the pen and write this "Yet Loi Company," and told me that was the sign of the mercantile establishment in Ensenada. The envelope was sealed when he handed it to me, Mar Jick immediately asked for the return of the letter, and I have received written communications from Woo Wai asking for its return.

(United States Exhibit 11 for identification introduced in evidence.)

During the conversation with Woo Wai on the 27th of November, 1910, Woo Wai said the same man who brought the six Chinese from Redlands would go down, or had gone down, to bring the rest; he didn't name him. I left San Francisco the evening of the 29th for Bakersfield, and from there went to Caliente. I was watching the different trains of the Santa Fe and Southern Pacific that ran north past Caliente, in the hope of intercepting this particular party of Chinese, and also for any contraband Chi-

(Testimony of Ralph L. Conklin.)

nese who might be traveling that way. By "particular party of Chinese" I mean this bunch of seven or eight that Woo Wai had brought through and was expecting from San Bernardino. From Caliente [153—67] I went to Point Richmond near San Francisco, for the purpose of intercepting contraband Chinese, and remained there until December 22d, or the morning of the 23d. I was still endeavoring to apprehend this bunch of eight. On the 23d of December I went over to San Francisco and called on Woo Wai, and went with him to dinner at Jack's restaurant, on his invitation. He told me that the man that he had sent down to San Bernardino had written him, requesting to be allowed to come home, and that he had told him to stay until the party came, or for a week longer at any rate. Woo Wai said that I should go to Los Angeles and if possible, secure a detail from my inspector in charge to watch the Santa Fe railroad; and that if I did secure a detail and did go to watch the railroad, that I should send him a telegram; that the telegram should be sent to "Woo Wai, 766 Clay Street, San Francisco, California," and just state "Merry Christmas," and be signed "R. L.," which would mean that I was watching the Santa Fe railroad. He said that if I was so detailed and Wong Wing Sai, whose description he gave, should pass, I should let him pass and say "All right—go ahead." Wong Wing Sai was Woo Wai's representative at San Bernardino, who was awaiting these Chinese.

I received United States Exhibit 17 for identification after my return to San Diego. The letter was

(Testimony of Ralph L. Conklin.)

delivered to Mr. Weddle, the inspector in charge, at San Diego.

Mr. STEWART.—We now offer this letter in evidence.

Mr. CAMPBELL.—No objection.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 17 for Identification—Letter, Dated December 2, 1910—H. S. W. W. to Conklin.]

“San Francisco Dec. 2th 1910

My dear friend Conklin

Mar Jack received letter to day Yet Loy & Co
Mar Jick not in Ensenada Just now dont you give
letter for Jock send letter back to me immetiately
[154—68] I will try some other friend to do busi-
ness for me I will send you another letter for Jack
to go down Ensenada to see the other man

Your Respectfully

H. S. W. W.

685 Clay St S. F.

I will send you another letter for you to Jack as soon as possable.”

Mr. CONKLIN.—United States Exhibit 18 for identification was also delivered at my house, and delivered to Mr. Weddle. I was then at Caliente.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 18 for Identification—Letter, Dated December 15, 1910—H. S. W. W. to Conklin.]

“San Francisco Dec 15th 1910

My Dear Friend R. L. Conklin

I have Two men Ensenada every Thing all right

(Testimony of Ralph L. Conklin.)

doing business with me for ever any time I want 10 men or 15 men or 20 men he will furnish settle up for me untill he send & letter Come from Ensenada for me I will send down to you and you handel the letter for you friend Jack go Ensenada see this Two men do business without any trouble I wait letter Come send up to you immediately I have received you letter Come from Los Angeles last week now I did not hear any Thing about Them men I am very sorry I hop They Come City soon no trouble if any doys Come in City I will send you letter right way

Your Respectfully

H. S. W. W.

685 Clay St."

Q. (By Mr. STEWART.) He refers to a letter from you. Had you written him a letter?

A. Yes, sir.

(Referring to Defendants' Exhibit "E.")

Mr. CONKLIN.—I think this is the first letter I ever wrote to Woo Wai. I don't remember of ever writing any letters prior to December 8, 1910.

After the meeting of December 23d with Woo Wai at San Francisco, I came from Los Angeles, and from there [155—69] went to Barstow, passing San Bernardino the night that I sent the "Merry Christmas" telegram. I remained at Barstow until Wong Wing Sai passed north bound, on Santa Fe No. 7, at 1:45 A. M. on the 30th of December. That morning I came to Los Angeles. After that I wrote the letter dated January 2d (Defendants' Exhibit "I"). By Wong Wing in that letter I meant

(Testimony of Ralph L. Conklin.)

Wong Wing Sai. I didn't see any Chinese contrabands with Wong Wing Sai on that train. I returned to my station at San Diego and afterwards received a communication from Woo Wai, which is marked United States Exhibit 19 for identification.

Mr. STEWART.—We offer this letter in evidence.
(Reading:)

[U. S. Exhibit No. 19 for Identification—Letter,
Dated January 5, 1911—H. S. W. W. to
Conklin.]

“San Francisco Jan. 5th 1911

My Dear friend Conklin

I have received letter to day 8 men have arrived at San Bernardino Storing there Because very important men watching the Parstow Station and Bakersfield Station and Fresno Station Those men Can you remove of Three Station on a Certain day at such time so I can Bring my men Pass through San Francisco safely if you can or not send me letter immediately another letter I received to day by you

Your Respectfully

H. S. W. W.”

Mr. CONKLIN.—That letter is the first information I had that the eight had arrived at San Bernardino. I received the letter about the time of the postmark—January 7th. After receiving the letter I sent Defendants' Exhibit “H” to Woo Wai; also a letter marked Defendants' Exhibit “D.”

I received United States Exhibit 20 for identification, dated January 6, 1911, from Woo Wai, but

(Testimony of Ralph L. Conklin.)

can't recall whether I received it at San Diego or after I got here. [156—70]

Mr. STEWART.—We offer that letter in evidence.
(Reading:)

[U. S. Exhibit No. 20 for Identification—Letter,
Dated January 6, 1911, H. S. W. W. to
Conklin.]

“San Francisco, Jan. 6th, 1911

Dear friend Conklin

I have send you one letter last night my men now arrived San Bernardino few days ago keep in one place waiting for me because Inspector watching at Barstow Station and Bakersfield Station Fresno Station I want you to remove Inspector of Three Station my 8 men Pass Through Come City safely give me cerant day such time 8 men pass Road no trouble I am waiting for you How I do it hoping you answer immediately one letter you send Come from you home I received friday after noon

I am Your truly

H. S. W. W.

I expect hear from you very important business.”

Mr. CAMPBELL.—No objection.

Mr. CONKLIN.—I went to Barstow from Los Angeles on that occasion to watch north bound trains on the Santa Fe and Southern Pacific; also the east-bound trains on the Santa Fe.

Mr. STEWART.—You admit the letter? (Referring to United States Exhibit 23 for identification, dated December 21, 1910.)

(Testimony of Ralph L. Conklin.)

Mr. CAMPBELL.—Yes.

Mr. STEWART.—And that it was received at San Diego?

Mr. CAMPBELL.—Yes.

Q. (By Mr. STEWART.) This letter is written December 21, 1910. This was before your last visit?

A. Yes, sir; during the time I was in Caliente.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 23 for Identification—Letter,
Dated December 21, 1910—H. S. W. W. to Mrs.
Conklin.]

“San Francisco Dec. 21th 1910

My dear friend Mrs. R. L. Conklin

please give this Chinese letter to Jack and take away to Ensenada see my friend he will furnish the men for me any time I have [157—71] one more letter I will send to you again the other Chinese letter Two Company do Business with me the other matter I have heard nothing of yet one man wait on San Bernandino Three weeks ago I am very sorry Expect every days I dont no what trouble the things not Come you get my letter must answer me immediately My address 685 Clay St.

Your Respectfully

H. S. W. W.”

Mr. STEWART.—We will offer the Chinese letter and the envelope in evidence.

Mr. CAMPBELL.—No objection.

Q. (By Mr. STEWART.)—You were in Los Angeles when you got this telegram, United States Exhibit 36, signed “H. S. W. W.” “Wednesday

(Testimony of Ralph L. Conklin.)

11th and Thursday 12th, at night, Santa Fe.” What do you understand that telegram to be?

Mr. CAMPBELL.—Wait a minute. What he understood it to mean?

Mr. STEWART.—Yes. He had instructed Woo Wai to send him a telegram.

Mr. CAMPBELL.—Go ahead.

Mr. CONKLIN.—I understood it to be an answer to my letter.

Q. (By Mr. STEWART.) And what did you understand the meaning of it to be?

A. The Chinese boys would go out on that date.

Q. What date?

A. The date of the 11th and 12th, possibly.

Q. (By the COURT.) From San Bernardino, you mean? A. Yes, sir.

Mr. CONKLIN.—I received United States Exhibit 22 for identification, signed “H. S. W. W.,” dated January 8, 1911, I think at San Diego, about the 8th or 9th of [158—72] January.

Mr. DENIS.—You have offered that in evidence, haven’t you?

Mr. STEWART.—Yes, 22.

Mr. DENIS.—Government Exhibit 22?

Mr. STEWART.—Yes, sir. (Reading:)

[U. S. Exhibit No. 22 for Identification—Letter,
Dated January 8, 1911, H. S. W. W. to Conklin.]

“San Francisco Jan. 8th, 1911.

Dear friend Conklin

I have received you telegram this morning you

(Testimony of Ralph L. Conklin.)

say will wire me to morrow I must waiting you everything go by you Those men keeping at San Bernardino

Your truly

H. S. W. W."

Mr. CONKLIN.—I received the letter dated "San Francisco, January 9, 1911," signed "H. S. W. W." after my return to San Diego—about the 14th of January, 1911. That is the last letter I ever remember receiving from Woo Wai, and it was after I made the arrest.

Mr. STEWART.—(Reading:)

[U. S. Exhibit No. 21—Letter, Dated January 9, 1911, H. S. W. W. to Conklin.]

"San Francisco Jan. 9th 1911

Dear friend Conklin

Your letter I received came from L. A. to day Jan. 9th 3. oclock I send my man Wong Chong take train by 8 oclock to night go San Bernardino bring Men Come City at Wednesday night Jan. 11th maybe later Come on Thursday night 12th by Santa fe Road 8 men Come through one times you must look out for them no trouble I thank better way have you take train Come through watch Barstow Bakersfield Fresno Three Station let my men pass Can you do or not very much Oblige

I am Your Respectfulty

H. S. W. W."

Mr. STEWART.—We offer that in evidence as United States Exhibit 21.

Mr. CAMPBELL.—No objection.

(Testimony of Ralph L. Conklin.)

Mr. CONKLIN.—The night of the 11th, or rather the morning of the 12th, I saw Wong Chung and Wong Dom Him at Barstow. They were just leaving train No. 10 and [159—73] crossing over to train No. 7 of the Santa Fe. I saw them get off the train. Wong Chung got off first. He was three or four feet ahead of the others. He walked right down alongside of No. 7, approached the front end of a day coach, climbed up into the day coach, went in the front end and started down the aisle of the rear day coach followed by the three or four Chinamen. Wong Chung, as he got just inside the coach—probably two or three steps—turned like this and then proceeded down the aisle of the coach toward the rear. I was standing outside alongside of No. 10, where I could look into the cars of No. 7. It was a lighted train and I could see right in. The three sat down, and Wong Chung continued on through that car and went into the tourist sleeper. I got on the same train and traveled to Mojave, where I was joined by Inspector Morse. When he got aboard we went into the tourist car and took Wong Chung out of the berth and took him into the day coach and then placed these three fellows under arrest—Wong Dom Him, Wong Kum and Wong Sum, and continued on until we reached Tehachapi. At Tehachapi we took Wong Dom Him, Wong Kum and Wong Sum and Wong Chung off the train and kept them in the depot until daylight.

Q. (By Mr. STEWART.) Examine those documents and state which of them you took from the

(Testimony of Ralph L. Conklin.)

Chinese on the morning of January 12th. I show you, also, another ticket.

A. I took these three from the first party, Wong Chung, Wong Sum, Wong Kum and Wong Dom Him. There is one short.

The COURT.—That is the ticket 303, is it?

Mr. STEWART.—301 is not here. That was testified to by one of the ticket agents. [160—74]

Q. Do you remember the number of it—what it was? We have here 300, 302 and 307.

A. 301 ought to be here.

Q. From whom did you take No. 307?

A. Wong Dom Him.

Mr. CONKLIN.—I saw Wong Wing Sai the following morning at Mojave. We found two Chinamen in the same car, by the name of Wong Ging Wee and Wong Ging Foon—the two witnesses who testified here. We took them to Tehachapi also. We searched Wong Chung and all the others. I found certain drafts on Wong Wing Sai, namely, one in duplicate form No. 14491, for \$1000, dated Los Angeles, California, U. S. A., October 18, 1907, payable to Quong Hop, issued by Farmers and Merchants' National Bank of Los Angeles to the Russo-Chinese Bank, Hong Kong, and endorsed by Wong Chung; and one for No. 14492, of the same bank, payable to the same party, and for \$1000, and the same date found in the possession of Wong Wing Sai and endorsed by Wong Chung; first and second of both these drafts being found. Also draft No. 13389, payable to Wong Chung, dated December 21, 1908, for

(Testimony of Ralph L. Conklin.)

\$350, issued by the Canton Bank, to the International Banking Corporation of Hong Kong, and the second one is issued by the same bank, dated apparently June 2d, 1909, payable to Wong Chung for \$40, and another issued by the same bank dated January 8, 1909, payable to Wong Chung for \$160. I took a memorandum-book from Wong Wing Sai.

(It was admitted by counsel for defense that the address 620 Harrison Street, Oakland, California, is endorsed inside of the cover of the book, and it is a store of which Woo Wai is the principal partner, and Wong Chung is the manager.) [161—75]

Mr. CONKLIN.—I found ticket No. 300 in the possession of Wong Chung. (Tickets Nos. 300 and 301, introduced in evidence as United States Exhibits 39 and 40 without objection.)

Q. (By Mr. STEWART.) Now, did you find anything else upon either of the defendants, except what you have testified about?

A. Yes, sir. I found about \$330 on Wong Chung, \$585 on Wong Wing Sai, a diamond ring, watch, and a 40-Colt's pistol.

Cross-examination.

(By Mr. CAMPBELL.)

Mr. CONKLIN.—I think the letter of March 31st, 1910, signed "H. S. W. W.," was the first letter received from "W. W." I knew him prior to that time. I saw him on November 16, 1908. I had seen Woo Wai before that time, in October of the same year. I don't know who Mr. Roy is except his name

(Testimony of Ralph L. Conklin.)

was Roy. I saw Woo Wai and Roy first at the Hotel Lanier.

I received United States Exhibit 5 about the 1st or 2d day of April, 1910. The letter says "G. M. Roy not in the city."

I received the letter of March 31st, 1910, and kept my appointment as requested. I had an idea what Woo Wai was coming to see me about, from a proposition that he had made to me a year and a half before. I had had no correspondence with him for a year and a half, nor had we received any proposition from him within that time. I didn't write Woo Wai a letter to which the letter of March 31st, 1910, is an answer. I don't know why he stated in the letter that Mr. Roy was not in the city. I met Roy as I stated, in 1908; I didn't know him. I had word from Professor Sanford that a party was going to meet me to make a business proposition. Roy came to my house and took me to the Hotel Lanier, where I met Woo Wai. Roy told me he was the party that was sent down to meet me. He didn't state by whom he was sent, but I thought he meant Professor Sanford. I didn't know that Roy was [162—76] bringing Woo Wai down to make a proposition to Mr. Weddle and myself to let Chinamen cross the border from Mexico, but thought possibly that was the case because I was in the Immigration Service. From the Hotel Lanier we went to the Immigration Office, where Mr. Roy greeted Weddle and introduced Woo Wai to him, saying: "This is my friend." When I went to the hotel I had never seen Woo Wai,

(Testimony of Ralph L. Conklin.)

and didn't know who he was.

Q. And what did Mr. Roy say after that?

A. He said that Woo Wai had a proposition to make to us.

Q. To make to whom?

A. Well, he said, "To you."

Q. And what was the proposition?

A. Woo Wai said that if we would remove the inspectors from the line so that his China boys from Mexico could pass, he would give us \$50 apiece for each Chinaman that reached their destination. We assented to that. We didn't intend to do it, however, unless instructed to. Professor Sanford told us he was making some investigation in San Francisco, and desired certain information, and thought the party could furnish it. He didn't state who it was. He wanted this party to come to us and submit a proposition to us and for us to assent to it. We agreed to that, provided we didn't have to do anything unlawful, or that we didn't have to be drawn into any controversy. He wanted to get this man, as it were, "in the door" so that man would have to give him the information.

Q. You didn't intend to let the Chinamen pass?

A. No, sir; not unless we were instructed to.

Q. And you told the Chinaman a falsehood right there? A. Yes, sir; we did.

Q. Both you and Weddle? [163—77].

A. We allowed Woo Wai to think we would agree to his proposition; I saw Woo Wai after that on November 16, 1908, at my house. Wong Chung and

(Testimony of Ralph L. Conklin.)

Wong Yee were with him. Woo Wai introduced Mr. Weddle and myself to Wong Chung and Wong Yee and renewed the proposition that he had made October 26, 1908. Wong Yee never mentioned any danger. Mr. Weddle and myself told Woo Wai it was dangerous for us.

Q. What was the danger for you? Acting under instructions from your superior, now, tell the jury what was the danger for you?

A. I don't suppose Woo Wai knew we were acting under instructions.

Q. I am not talking about that. But you told him that there was danger for you, when in fact there was none. Is not that so?

A. No, sir. There was danger for us in many ways.

Q. How?

A. If we happened to intercept the wrong bunch of Mexicans with those Chinamen we would probably get shot. That is one danger. Another danger would be if we were caught in this it would probably be rather dangerous for our reputations.

Q. "Caught" in what?

A. Caught in this apparent conspiracy.

Q. But, my dear man, weren't you acting under the instructions of your superior? A. We were.

Q. And is not that what you meant to convey to Woo Wai when you said it was dangerous?

A. No, sir; I never intended to convey to him that we were not acting under our instructions.

Q. Did you say anything to him about standing up

(Testimony of Ralph L. Conklin.)

the wrong bunch of Mexicans? [164—78]

A. No, sir.

Q. What do you mean by “the wrong bunch of Mexicans”?

The COURT.—I don’t care to have that gone into any further.

Mr. CAMPBELL.—I take an exception, if your Honor please. I think I am entitled to carry out the witness’ statement.

The COURT.—Proceed.

Q. (By Mr. CAMPBELL.) Now, as a matter of fact, there was not any danger to you at all if you carried out the instructions of your superiors, was there?

A. Not as long as we didn’t admit any; no.

Q. (By Mr. CAMPBELL.) Well, you told him that which was not true, then, didn’t you?

A. Possibly.

Q. Now, then, didn’t you and Mr. Weddle get together, and didn’t you and Mr. Weddle say to each other, “This is not a nice piece of business”—in other words, “This is a dirty, lowdown trick, and we don’t intend to carry it out”? A. No, sir.

Q. You didn’t do that? A. No, sir.

Q. Did you hear Mr. Weddle’s testimony the other day? A. Yes, sir.

Q. You and Mr. Weddle, neither of you, so far as you know, had any compunctions of conscience about carrying this matter out?

A. Yes, sir; we both disliked very much to.

Q. Why did you dislike it?

(Testimony of Ralph L. Conklin.)

A. Because I hate to connive or associate with that kind of stock.

Q. What?

A. I hate to connive or associate with that kind of people. [165—79]

Q. What kind of people? A. Crooks.

Q. "Crooks"? A. Yes.

Q. But you did it, didn't you?

A. Yes, under orders.

Q. Under orders from your superiors?

A. Yes, sir.

Woo Wai stated in that conversation that he was going to send Wong Yee to Ensenada for the purpose of securing some Chinese merchant at Ensenada to act as his receiving and forwarding agent for contraband Chinese consigned to the United States.

On his return Wong Yee said that he had gone to Ensenada overland and while in Ensenada had secured an agent to handle their business there and act as forwarding agent, and that a party would soon be on the road, but that it was very cold, and a very hard trip, and just at present the Chinese boys didn't like to make the trip. Wong Yee didn't tell me on his return from Ensenada that there were no Chinamen there that wanted to come over, nor that they thought he was an agent of the Government of the United States, and would not talk to him. I asked him if he had learned anything about any parties running Chinese across the border.

Q. Didn't you ask him about any Mexican by name?

(Testimony of Ralph L. Conklin.)

A. Why, I am pretty well acquainted with most of the Mexicans that are in that business. I possibly might have asked him.

Q. You knew that he was given a pass to go and come back?

A. Yes, sir; I knew that we had received instructions from Washington to let him go.

Q. Did you write that letter? [166—80]

A. Yes, sir.

Q. That is marked Defendants' Exhibit I. Kindly read it.

A. (Reading:) "What's the matter you? I arrange everything so that the inspectors watch other trains while I watch Santa Fe. One man watch S. P. train Kern City. One man watch Salt Lake. I go San Bernardino I send you telegram. You know everything all right. When I go Barstow watch Santa Fe train. I fix everything at Los Angeles no trouble then you not send boys. What's the matter? Everything at Tia Juana all right and boys pass in hills. Why do not you write me letter? I pass Wong Wing." I told him "All right you, go ahead. R. L."

Q. Who was Wong Wing that you referred to?

A. Wong Wing was the man he told me he had sent to Ensenada for the purpose of bringing the boys—

Q. When did you pass him and tell him everything was all right?

A. I passed him on No. 7. He came in on No. 10 from San Bernardino and transferred to No. 7 at

(Testimony of Ralph L. Conklin.)

Barstow at 1:45 on December 30th and I said to him
"All right, you go ahead."

Q. What did you mean by that?

A. I meant to show him that I knew who he was.

Q. Is that all? "Go ahead" and do what?

A. Go ahead to Frisco. That was my arrangement with Woo Wai, that his men should pass.

Q. But what was he going to San Francisco for?

A. I don't know.

Q. Now, then, how did you know this: "Everything at Tia Juana all right and the boys pass in the hills." A. If you refer to a letter—

Q. I want to know— [167—81]

A. I received a letter from Woo Wai in which he said that the boys passed.

Q. Why did you repeat it in this letter—"Everything is all right and the boys pass in the hills"?

A. He told me they had. I didn't know that they had. It usually takes about twenty days to make that trip.

Q. How did you know that?

A. Because we kept track on different Chinamen that came through there, or tried to.

On November 23d is the first time that I received notice that they were coming.

Q. (By Mr. CAMPBELL.) What does he say there?

A. (Reading:) "I have seven or eight men come pass DeWanter"—it is either Tecate or Tia Juana—I think it is Tia Juana. "Walk on road go San Bernardino from 27, 28 or 30 this month. You must

(Testimony of Ralph L. Conklin.)

take care get you men out the road let my mans pass my men have H. S. mark dont disappoint hope you will carefully until my men come city I will come see you soon Your respectfully H S W W My men first pass DeWanter walk to San Bernardino very carefully try get you men out sure.”

Q. Is that the letter which caused you to repeat that information to him, that everything was all right, the boys had passed in the hills?

A. That is one of the things.

Q. What else were the other things?

A. Because he told me.

Q. When? A. December 23d as I have stated.

Q. How did he tell you that the boys had passed in the hills on December 23d, 1910? [168—82]

A. He told me at that conversation at Jack's restaurant. I didn't see Woo Wai from the 16th of November, 1908, to March, 1910.

Q. Had you corresponded with him?

A. No, sir, except I received about Christmas time in 1908 a package from him.

Q. Have you corresponded with Mr. Roy?

A. No, sir, never did.

Q. Have you seen Mr. Roy? A. I saw him—

Q. Between those two dates, please.

A. I saw him about the latter part of November, 1908. I received instructions to meet him here at the Alexandria Hotel. He had been sent there, so he said, by Professor Sanford to see why Weddle would not allow Wong Yee to go to Ensenada.

The letter of March 31st from Woo Wai came to

(Testimony of Ralph L. Conklin.)

be absolutely without any instigation of any kind or character whatsoever. I didn't ask Woo Wai during the conversation at Jack's restaurant to destroy letters received from me; neither did he give me a letter in Jack's restaurant which I had written to him; and I didn't write him any letters from December, 1908, to March, 1910. I never wrote any letters to Roy, nor had any conferences with him except the one at the Alexandria. I never saw him after that time. That conference lasted about three minutes. He asked me why Weddle refused to allow Wong Yee to go to Ensenada. I told him because the papers were not correct. At that time he represented Professor Sanford. Professor Sanford had told me he was conducting some investigations on the coast, and represented Professor Jenks of the Immigration Committee. In the conversation at my house April 2d, 1910, at which Woo Wai, Wong [169—83] Chung and Wong Yee, and Mr. Weddle were present, Woo Wai said no more business could be done in San Francisco because a new man named Watts had been appointed, and he said he would give us \$50 a head, as he agreed, before, if we would remove the Inspectors so that his Chinese boys from Mexico could pass through our district in safety to their destination. He said he was going to send Wong Yee to Ensenada, but that he would send him by steamer from San Francisco. He also said that his (Woo Wai) private mark was "H. S. W. W." and any communications we received from him signed that way would be all right. The offer was about the same he had

(Testimony of Ralph L. Conklin.)

made in the Immigration office on October 26th, 1908, before Weddle and myself. I think Woo Wai said that each one of his boys would be given an "H. S." card. I never heard anything about putting a handkerchief around the neck of the Chinamen, or the Mexican that had them in charge, nor was anything said about the particular place to which the Chinamen should go when they came across the border.

Q. Did you not sit down at your desk in your private office—what you call your private office in your room—and mark out in the presence of Wong Yee, Wong Chung and Woo Wai, the towns on the southern coast of California—Oxnard, Orange, San Bernardino and Redlands, on a map?

A. Not at that meeting.

Q. At what meeting did you do that?

A. If I did that at all—I don't say that I did—but if I did it at all I did it in—not Oxnard, because I didn't know of Oxnard, I never had been there.

Q. What towns did you mark?

A. I don't know what towns I marked, but if it was any it was Santa Ana and Orange, and others that I am familiar with, [170—84] because I am familiar with them. I was over them horseback many times.

Q. You say if you did it you marked Orange and the other places. Why do you say that?

A. Because in our conversation of November 16, 1908, it was discussed whether Burbank or Orange would be the better place, and Woo Wai suggested

(Testimony of Ralph L. Conklin.)

Orange was better because it was nearer, and Wong Yee and Wong Chung said that Burbank was better.

Q. What did you state?

A. I said Orange was better.

Q. Why did you say that?

A. Because I thought the points Woo Wai made were well taken.

Q. That is, there were two railroad stations there?

A. Yes, sir. There is two railroads. There is a branch road. But it is a little easier to apprehend a party there than some place that you don't know. I didn't say to Wong Chung in 1910 that he had better go to Orange to-morrow and see the Chinaman that kept a store and laundry, but to look out when he got to the place because he had a bad dog; nor did I say anything about Redlands in 1910. I didn't know that these Chinamen were going to be landed at Redlands until I received a message from Woo Wai.

Q. (By Mr. CAMPBELL.) Now, Mr. Conklin, why did you acquiesce in this demand made by Woo Wai in 1910?

A. As he stated yesterday when these people came on April 2d, 1910, we didn't know what to do. This proposition that had been made to us a year and a half before we supposed was dead and gone, and that that was the end of it, and we never thought there would be anything come of it. Mr. Weddle had talked the matter [171—85] over with the Commissioner General the year before, and he said "Don't bother; it is gone," and we never thought

(Testimony of Ralph L. Conklin.)

anything would come out of it, and this came suddenly and we played for time till Mr. Weddle could receive competent instructions.

Q. What competent instructions did you get after the 2d of April, 1910?

A. He said that Woo Wai had been notified that his operations were known, and that that was the end of it.

Q. What instructions did he give you after he came from San Francisco, having been at Washington, in 1910?

A. To do nothing; to let the matter rest.

At that time we were under the Mexican frontier district with headquarters at El Paso, under Mr. Berkshire. The matter was taken up by Weddle and myself with him and the assistant United States attorney here.

Q. What instructions were you given in relation to it?

A. I was then advised or instructed to go to San Francisco—and learn all I could concerning the conspiracy. These six men, in the meantime, had been already landed and we failed to apprehend them.

Q. (By Mr. CAMPBELL.) And you went to San Francisco? A. I did.

Q. And you went to Woo Wai's house?

A. I did.

Q. How many times did you go to Woo Wai's house?

A. I was there on the morning of the 27th, and I was at Jack's restaurant on the 28th with Woo Wai.

(Testimony of Ralph L. Conklin.)

I was out at Woo Wai's house on the 29th.

Q. Do you know Woo Wai's family?

A. I have seen a boy. I think that is the boy right there. [172—86]

Q. And the little girl? A. Yes, sir.

Q. And the wife?

A. I don't remember about the wife.

Q. Isn't that lady sitting there a lady that you saw as Woo Wai's wife at his house?

A. I am not sure that I saw—I saw a lady there, but I am not sure that I met her. But the two children were introduced to me.

Q. Kindly tell the jury what you were doing in Woo Wai's house.

A. I was there at his invitation.

Q. How did he know you were in town?

A. I telephoned to him.

Q. What did you telephone to him?

A. I asked him if he was there and told him who I was, and asked him if he would be there a little while.

Q. And you came up there? A. Yes.

Q. You were trying to find out then something from Woo Wai? A. I was.

Q. What was it?

A. I was trying to find out all I could in regard to this conspiracy, and the disposition of the six men that we failed to apprehend, and all I could in regard to the conspiracy.

Q. Did you take that little girl on your knee in his house?

(Testimony of Ralph L. Conklin.)

Mr. STEWART.—Objected to as irrelevant, immaterial and incompetent.

The COURT.—If he took a dozen children on his knee it wouldn't have anything to do with this case.

[173—87]

Mr. CAMPBELL.—Of course, your Honor has ruled, without giving me an opportunity to be heard. I think it is a very material matter.

The COURT.—I rule it out.

Mr. CAMPBELL.—And I take exception. And, for the purpose of making my record, which your Honor knows that I think I am right, I will ask you if you didn't take that little child on your knee and if you did not instruct Woo Wai to tell it in Chinese to kiss you, and if you didn't kiss it.

A. No, no. When I went into the house he said, "How do you do. My God! Why you not get my letters?" And he explained that he wrote two letters stating that there were seven or eight men going to come across the line, and he wanted me to look out for them.

Q. And then you sent this telegram to Mr Weddle to go to your house and get the letters?

A. I did.

Q. When was it that you talked about this boat and the man Jock?

A. On the 28th at Jack's restaurant. I told him there was a man named Jock that had a boat.

Q. Just told him a man named Jock had a boat?

A. That a man named Jock had a boat and he might interest him to go into this business.

(Testimony of Ralph L. Conklin.)

Q. Didn't you tell him you were going to see him?

A. Yes.

Q. You did not intend to do it? A. No, sir.

Q. What did you tell him that for?

A. I wanted a letter directed to people in Ensenada with [174—88] whom he was doing business. I didn't know how I could get a letter directed to those people unless I got it in that way, and I got it expecting that thereby I would know who the party was in Ensenada through whom they were operating.

Q. That is the reason you told him all about this boat and about Jock and things of that kind,—to get from him a letter to some person in Ensenada?

A. Yes, sir.

Q. And every word that you told him was absolutely and unqualifiedly false, was it not?

A. Yes, sir.

Q. What did you do that for?

A. I wanted to get evidence. I knew if I told him that I wanted to get evidence, I wouldn't get it.

Q. Were you willing to tell a falsehood to get evidence, even against a Chinaman? A. I did.

Q. Will you kindly answer?

A. No, sir, I was not willing, but I did.

Q. And that same spirit pursued you through these entire proceedings?

A. After I found that he was bringing Chinamen and that we couldn't stop him, I told our supervising inspector about it and I was instructed to secure evidence.

(Testimony of Ralph L. Conklin.)

Q. And you were willing to do anything to procure what you deemed to be evidence?

A. No, sir; I didn't say that.

Q. What were you willing to do to procure it?

A. I was willing to do most anything I could in order to gain the evidence necessary, without committing any crime. [175—89]

Q. Where did you get the envelope and the seal and the mark "E" and the sealing wax in which you put the two hundred and fifty dollars or the purse containing the two hundred and fifty dollars?

A. Out of my desk right there in my office.

Q. He was giving you fifty dollars a man that you failed to arrest because they got away from *you* — — — *Redlands*? A. Yes, sir.

Q. Did you say anything to him about it, that you expected to arrest them, or tried to arrest them at *Redlands*? A. No, sir.

Q. Did you give Woo Wai any presents?

A. Yes, sir.

Q. What did you give him?

A. I think I gave him an amber cigar-holder, and bought some presents for his children.

Q. Bought presents for his children?

A. Yes, sir.

Q. When?

A. When I was up there in November.

Q. Why?

A. Well, he had made a present to me or for my wife, and I was on the street and saw these jumping-jacks, and bought two or three for his children.

(Testimony of Ralph L. Conklin.)

Q. When did you give him the cigar-holder?

A. I bought one for him and one for me, and I think I gave it to him at one of those dinners at Jack's. I have forgotten which one. Probably the last one.

Q. And the man whom you were endeavoring to get evidence against to convict of a crime against the Government of the United [176—90] States, you bought presents for him and for his children?

A. Yes, sir; the same man that was trying to bribe me.

Q. Were you trying to bribe him?

A. No, sir.

Mr. CONKLIN.—When Mar Jick asked me for the return of the letter in Woo Wai's house, I said: "That is all right; that is all right," and put it in my pocket.

Redirect Examination.

(By Mr. STEWART.)

Mr. STEWART.—Referring to the Chinese letter that was contained in United States Exhibit 23 which was not translated yesterday, but which we said would be translated and introduced before our case closed, we have a translation which I understand counsel agree is correct and admit that it may be read into the record. That is correct, isn't it?

Mr. CAMPBELL.—I understand so. Mr. Denis said it is substantially correct.

The COURT.—What letter was it enclosed in?

Mr. STEWART.—In the letter of December 21, 1910.

(Testimony of Ralph L. Conklin.)

Mr. DENIS.—To Mr. Conklin?

(Translation of letter:)

Mr. STEWART.—(Reading:)

**[Translation of Letter Contained in U. S. Exhibit
No. 23.]**

“On presentation of this writing please deliver goods, merchandise four or five packages, to be brought hither according to instructions.” Dated 11th moon 16th day (Dec. 16, 1910). Signed Brother Chun Yue. Writings on envelope, “Soon Lee Ping Co. Prosperous and safe (journey).”

Mr. STEWART.—There are two other exhibits which are similarly marked and identified which we desire to offer. The original telegram of Woo Wai dated January 10, 1911.

Mr. CAMPBELL.—That is admitted.

Mr. STEWART.—And also United States Exhibit 9 for Identification, [177—91] a number of tickets—seven railroad tickets from Redlands to San Francisco, September 7, 1910.

Mr. CAMPBELL.—We admit them for what they are worth.

The COURT.—I believe if they have been used they are not worth much.

Mr. CAMPBELL.—They are not worth much in any sense, either for the ride or for the penitentiary ride.

Mr. STEWART.—United States Exhibit 24 for identification is as follows: (Reading:)

[U. S. Exhibit No. 24 for Identification—Telegram
Dated January 10, 1911—H. S. W. W. to R. L.]

“San Fran Jan. 10 1911

To R. L. 847 Wensington Road Los Angeles, Cal.

Wednesday Eleventh and Thursday Twelfth at
night Santa Fe

H. S. W. W.”

Mr. STEWART.—We offer United States Exhibit 9—seven stubs of tickets identified by Mr. Morgan, the ticket agent at Redlands, on September 7th, which he said were bought by Wong Wing Sai. That comes in in connection with the letter of Woo Wai of August 22—that six men came by Redlands.

[Testimony of Tom King Chong, for Defendants.]

TOM KING CHONG, called as a witness on behalf of the defendants, testified that for the past fifteen years he has been the editor of a Chinese Republican newspaper, and at the present time was engaged in delivering lectures to Masonic fraternities concerning the Chinese Republic, and its connection with Masonry. Mr. Chong had known the defendant Woo Wai in San Francisco for more than twenty years. During that time the witness had known him intimately, and had also known the people with whom he associated. Woo Wai's reputation in San Francisco for truth, honesty and integrity was good.

In the year 1908 the witness knew a man named Golden M. Roy. One day he met Roy on Kearny Street in San Francisco. Witness [178—92] then related the following conversation:

“A. One day I met Mr. Roy on Kearny Street.

(Testimony of Tom King Chong.)

He asked me if I knew Woo Wai. I told him I do. So he asked me if I could get Woo Wai to come and see him, to meet him. I say yes. I said 'What is it about?' He said, 'About a money-making proposition, I would like to see him.' Then he suggests that the next day, two o'clock in the afternoon, at Mr. L. G. Carpenter's office."

The witness then communicated with Woo Wai and made the appointment for Roy in accordance with the latter's request.

[Testimony of John Birmingham, Jr., for Defendants.]

JOHN BIRMINGHAM, Jr., called on behalf of the defendant, Wong Yee, testified that he had been the Superintendent of the Dupont Powder Works, which was located just above the works of the Giant Powder Company. At this time the defendant Wong Yee furnished Chinese laborers for the latter. His reputation for truth, honesty and integrity was good.

[Testimony of John J. Quinn, for Defendants.]

JOHN J. QUINN, called on behalf of the defendant Woo Wai, testified that he had known the defendant, Woo Wai, fully 25 years. During most of that time he had been associated with the attorney for the Chinese Consul, and in this connection had met Woo Wai. Since 1906 the witness had been engaged in the real estate business. The witness testified that he knew the general reputation of Woo Wai in the community in which he lived for truth, honesty and integrity, and it was good. His repu-

(Testimony of John J. Quinn.)

tation for morality and as a law-abiding citizen was also good. The witness had been at Woo Wai's home many times. "Woo Wai has a little family there," and said the witness, "with little children there. From my observation I should say he is a moral man." [179—93]

[Testimony of B. M. Thomas, for Defendants.]

B. M. THOMAS, called on behalf of the defendant, Woo Wai, testified that he was an Internal Revenue Agent in charge of the Pacific Coast, having been in the Government service for 32 years. He had known defendant Woo Wai about 24 years, and the reputation in the community in which he lived for truth, honesty and integrity was good.

[Testimony of Frederick B. Hoyt, for Defendants.]

FREDERICK B. HOYT, called on behalf of Woo Wai, Wong Yee and Wong Chung, testified that he had known the defendants Woo Wai and Wong Yee for more than 20 years. Their reputation in the community in which they lived for truth, honesty and integrity is good. The witness had known Wong Chung for ten years. His reputation in the community in which he lives for truth, honesty and integrity is good.

[Testimony of C. S. Peck, for Defendants.]

C. S. PECK, a witness called on behalf of the defendants Woo Wai, Wong Yee and Wong Chung, testified that he had known Woo Wai for more than five years, and Wong Yee and Wong Chung for more than 15 years. Their reputation in the community

(Testimony of B. M. Thomas.)

in which they live, for truth, honesty and integrity, is excellent.

[Testimony of I. H. Sanborn, for Defendants.]

I. H. SANBORN, a witness called on behalf of the defendant Woo Wai, testified that he was Assistant Cashier of the American National Bank of San Francisco. He had known the defendant Woo Wai for more than six years. His reputation in San Francisco for truth, honesty and integrity is very good.

[Testimony of N. A. Gosliner, for Defendants.]

N. A. GOSLINER, called as a witness on behalf of the defendant Wong Yee, testified that he was a retired property owner in San Francisco and had known defendant Wong Yee about eleven years [180—94] having business with him during that time. Wong Yee's reputation in San Francisco for truth, honesty and integrity is very good. [181—95]

[Testimony of Woo Wai, for Defendants.]

WOO WAI, called as a witness in his own behalf and that of the other defendants, testified as follows:

My name is Woo Wai. I have always lived in San Francisco since I have been in California. I have been engaged in business—general merchandise.

Q. Do you know a man by the name of Golden M. Roy? A. Yes, sir, I know him.

Q. Where had you known him before the year 1908?

A. Well, before, Roy—he got a jewelry store on

(Testimony of Woo Wai.)

Kearny Street, between Sacramento and California; every Chinese go to buy jewelry of him. I buy a good deal of jewelry from him, too.

Q. That is, you had bought jewelry from him before the fire?

A. Yes, sir. I met Mr. Roy in 1908, in San Francisco at the office of Mr. Carpenter, a lawyer. Kong Kan Ching telephoned to my house that Roy wanted to meet me at Carpenter's office. Next day at two o'clock I go up there. Roy was there. Well, he say, "Why, you come up to my house to-night at eight o'clock." I say, "All right." "Well, what is the reason?" He say, "Sometimes make money; you come up to my house, I tell you to-night." I say, "All right, eight o'clock." And I took Sacramento Street car.

I go up to his house, and he say "Woo, I got a very good friend at San Diego." He took out of his pocket a book; showed me the book, a little pocket-book, and showed me two gentlemen's names, one was H. H. Weddle (spelling W-e-d-d-l-e), the other was R. L. Conklin. And then he said, "Those two men in San Diego; [182—96] and it is a way to make money; I would like to go with you down there to see them." And I told him that I have no time. And he said, "Well, that is all right, and when you have time I go down with you." And I told him that I might be able to find the time next week. He said it would be all right. And so we make the appointed time the next week but I forgot the day, and then he bought the tickets and make every pre-

(Testimony of Woo Wai.)

paration to go, and told me to meet him at Oakland Mole, or ferry landing—Oh, yes, at the—well, at the Oakland landing, to meet him there and also to meet his family; he bid his family good-bye there. Mr. Roy bought the tickets. We took a train and came to Los Angeles direct.

Q. (By the COURT.) Just a moment. Did you know when you left San Francisco what the character of this business was that you were coming down for?

A. He didn't say anything about it except that he said there is a way to make money to see the two men.

At Los Angeles he took my satchel or suitcase and his—had them took down to the Santa Fe depot from there and took me up to a restaurant. At that time I didn't know the place, only since the last few days I found the place; it was Levy's restaurant. He took me there. And then while we were there eating, he asked the proprietor of that establishment to see me, and then after we got through eating and he paid the bill. And then after the meal, and then he took me to a car to visit the ostrich farm, and also to a pigeon farm. We were visiting different places up to nearly two o'clock. Then he took me to the Santa Fe depot; procured tickets for San Diego. We got to San Diego about seven o'clock in the evening. He hired an automobile and [183—97] took me to a hotel. The hotel's name is Lanier. Mr. Roy signed his name to the register, and I signed also after him. Then from the room

(Testimony of Woo Wai.)

he telephoned to Mr. Conklin, and Conklin came up, and as soon as Mr. Conklin saw him they shook hands as good friends.

Mr. Conklin said—he pointed to Mr. Roy, saying that “This man is my friend, and then he is the man that secured my position which I am now in.” And Mr. Conklin gave me three or four cigars. He said, “Those cigars were smuggled from Mexico.” And then both Mr. Conklin and Mr. Roy laughed very loudly. Then in that place Mr. Roy and Mr. Conklin spoke about getting men from Mexico; they talked a good deal while there, but I didn’t assent to it.

Mr. Roy said that “I bring this man down here for the purpose to get the men from Mexico, and this man,” he pointed to Mr. Conklin, “will attend to the business down here.”

Q. Now, was that the first you knew of the character of the business you came down here on?

A. Yes, sir, that is the first time. While they were talking about this I said, “Well, it is very—that is very impossible, because I read the newspaper about the arrest of Chinamen for deportation in and about Los Angeles, and in this neighborhood; it is hard to do it.”

That was the first time that I knew what Roy had brought me down to San Diego for when he said that he brought this man down to see about bringing men over from Mexico.

When I said that this is a hard matter to handle because they were making arrests here all the time,

(Testimony of Woo Wai.)

can't do it, but Mr. Roy said, "Oh, do, don't—so much to afraid, not to afraid, because [184—98] he is a Government officer; he will attend to it, and after this I will bring you to see the head man of the office." Then from the hotel we started out. Mr. Conklin first, and then Mr. Roy followed, and I was the third on the way to a building. It was in the evening. I went in a building; I saw a sign at the door, written on the door: "United States Custom House," and then when we went into the office and Mr. Conklin was so kind he went and opened all the different doors. He said, "See here, there is nobody; here there is nobody, here there is nobody," pointed to the different rooms, and then Mr. Conklin went and locked the door himself. And then he locked up the door, and then he takes us over to the other room where Mr. Weddle was sitting by the table, and then Mr. Roy and Mr. Conklin talked about getting men over, that is talking over the same thing, as getting men over. Then the three there had made up a proposition for bringing the men over, and that the proposition was they to get \$50 for each man brought over. Mr. Conklin to get twenty-five and Mr. Weddle to get twenty-five. When the men brought over this way toward Los Angeles, and at Los Angeles they are to switch the officers, the inspectors at the different places.

Then I said, "I don't think the way will do; how can you do it? How can they come from on the other side? He said that he got the Mexican to take charge of him, to guide the men over. He said, and

(Testimony of Woo Wai.)

Mr. Conklin also said that he stationed himself in Tia Juana, and when the men come through that section, he will let them pass, and then to give the guide a sign, the guide has made. The sign to let the Mexican have a white handkerchief tied over his neck to be as a guide, and also have another sign, have a card written with two letters, H. S. By Mr. Conklin's request I wrote that card. (Indicating.)

[185—99]

Then all this matter was talked over by themselves. Of course, I listened to them, and then I said, "Well, it is not a business for me to do, because I have so much business up in San Francisco I can't come down here to attend from these matters." And then he said, Mr. Conklin and Mr. Weddle also said, "Well, if you have a friend which you can trust, or your clansman, that you can trust, you can bring him or them here, and we will tell him how to do." And then I said, "Well, perhaps you don't want a stranger, a man that is strange to you. And he said, "Oh, well, if the man is a man you can trust, we will trust him." After we were through that talk, Mr. Roy and I went over to the restaurant.

Q. (By the COURT.) Woo Wai, did you understand the proposition that was made to you by Weddle and Conklin and Roy in that room that you have described was against the law, for violating the law?

A. I know it was unlawful, but they said no danger. I have not mentioned that part yet, because they said if we didn't make the arrest we will let

(Testimony of Woo Wai.)

them pass it will be all right. You see at the time—when I mentioned about the newspaper reports, about the men being arrested and deported at that time, they talked about this matter. I said, “This is in violation of the law; it couldn’t be done.” And they said that, “Oh, well, if we make no arrest, who can make arrest?” And then we don’t want to go to jail, you don’t want to go to jail; and if you go to jail, we will go to jail.”

Then from the hotel Roy secured an automobile, took us to the train, and bought the tickets, and secured a sleeping berth, and we took the train back to Los Angeles the same night.

At Los Angeles Mr. Roy took me to the depot to go to San Francisco. There he secured the tickets for San Francisco. [186—100]

Before we left San Diego Mr. Conklin, Mr. Weddle, Mr. Roy, all their talking that when you get to San Francisco you must get a man; if you can’t come, you must get a man and bring the man down here, and that man who would trust.

Then three or four days after we got back to San Francisco Mr. Roy telephoned to me, “Why, it has been several days already. Have you found a man go down to San Diego yet?”

I said, “Wait a day or two; I will bring the man.” And then I secured my partner, business partner, Wong Chung and another Woo Mon Yin. And then I went to see Mr. Roy and said that I got the two men now to go; you better write to Mr. Conklin and Mr. Weddle to wait for them.

(Testimony of Woo Wai.)

That was in 1908. And then I took my partner, Wong Chung, and Woo Mon Yin. You see before we left San Diego for San Francisco Mr. Conklin gave me the address of his residence, everything, and numbers of the two telephones, to Home and the Sunset. He said that when they would come, "When you get off the train from the depot, you can telephone up to my house so I can come up to the corner to meet you." That is Mr. Conklin's. And then we got off the train at San Diego. Then I telephone to Mr. Conklin's house. He said, "Hello, I am waiting for you; come up."

We got on the car. When we reached Twenty-first street we got off. There is no light there, very dark. Mr. Conklin was stationed himself in a shady place, and whistled, and then I noticed him, and then he took us to his house, and then when we entered the house the house was without light, and then when we got in this house the steps were not even, and then I stumbled over almost. We got upstairs, second floor, and Mr. Weddle was there waiting. The door was locked up, and then begin [187—101] to talk. And then when we get into his room, and then they tell Woo Mon Yin and Wong Chung, said that "two or three hundred Chinamen down in Mexico, and you get them all over here to work, and pay the amount of money for each," what they want, and so on; they talked everything to the two men in that room. While there Woo Mon Yin asked how the men should come by what way can they come from Mexico up, and he said that to have

(Testimony of Woo Wai.)

a Mexican guide to take the Chinamen over, and then when they come to the place, the road—when they come to the place to tell the boys, the Chinamen and Mexican guide to walk on the railroad track, not on the road, because the road being sprinkled with sand, and then the inspector would tie a branch of tree—tie the tree on the horse's tail, and the horse walk ahead, and then the branch of the tree would sweep over the surface of the sand and make the road smooth; if any man walk over the road it would leave a track there, and the inspector would follow it up and arrest the men.

They they said, "Which of you going to Ensenada?" And then Woo Mon Yin said, "I would go." And then Mr. Weddle and Mr. Conklin said, "All right, if you want to go you come to my office, and I give you a paper to go." And then from there Wong Chung and I go back to San Francisco and leave Mon Yin behind to talk to them.

We left for San Francisco because I got other business to attend to. I don't like to handle this kind of work. About two days after we got back to San Francisco Woo Mon Yin came up to San Francisco, and then when Woo Mon Yin came to my place I said, "You go, you come back so soon?" Woo Mon Yin said, "Oh, no, I don't want to go, because that kind of business I don't want." And so he quit. And then Mr. Roy got a [188—102] letter from Mr. Conklin and Mr. Weddle saying that that man refused to go. Then it happened at that time Wong

(Testimony of Woo Wai.)

Yee came back from China. I am still talking about 1908.

Wong Yee called on me on a visit. He stayed to supper with me. After supper we were talking about one thing and the other and he said, "Well, I just come back from China; I wish I could find some business to do." I said, "Well, there is a way at that time might make some money; that is, there were two Government officers there, a friend took me there and I saw him; I don't know whether you want it or not." Then Wong Yee said, "Well, it might be dangerous; you would be arrested," and so on. I said, "I don't know; I don't think so, because they are Government officers. They told me that they would protect me, and they also told me, 'If you go to jail, I go to jail, too.' So you must not be afraid; if you want to go you can go down there and talk to them." That is the way that I talked to Wong Yee.

And Wong Yee agreed to go. So I went up and told Mr. Roy, and then Mr. Roy said, "All right, I will write to Mr. Weddle and Mr. Conklin." I gave him the address of Mr. Conklin's residence and telephone number to Wong Yee.

After Wong Yee came back I saw Mr. Roy. I told him.

I never saw Mr. Roy after July, 1909.

Q. (By Mr. CAMPBELL.) Now, during the time of 1909, did you see Roy up to July or August, 1909?

A. Yes, sir, I saw him before July and August. He wanted me to take Wong Yee, or Wong Chung,

(Testimony of Woo Wai.)

the other Chinaman, and go down again. How I make money and bring the Chinese into Ensenada wait for Conklin, and wait for us. He say so.

After July or August, 1909, after I didn't see Mr. Roy any [189—103] more, I got letters from this man, Mr. Conklin, several times—wanted me to go down. I think it was the last part of February or March, 1910.

Q. What became of the letter or the letters?

A. It was burned. I want to explain the whole thing between him and myself to the Court and jury. I burned it myself, in Chinatown, in my house. I did so because of my instruction to Mr. Conklin and Mr. Weddle while Wong Yee, Wong Chung and myself were in his house saying that whatever letters were between us we must burn them, because the writing will be between the two officers and myself, and handling the men being by Wong Yee and Wong Chung, and the letters must be burned; they always burn mine, and I would burn his.

I got letters from Mr. Conklin after this letter. There is one here in court, right in court here.

I was in Jack's restaurant with Mr. Conklin several times. A letter was produced there. I showed him a letter. He took it back. It was, I think, about November; it was in the latter part of the year 1910. He said, "Why didn't you burn that?" And then he took it.

After receiving this letter of February or March, 1910, I went on to San Diego about April, with Wong Yee and Wong Chung.

(Testimony of Woo Wai.)

This letter dated March 31, 1910, beginning, "Mr. Conklin, My dear friend," was written by me after I received the letter from Mr. Conklin in February or March, 1910.

In Mr. Conklin's letter it said that he has not seen Mr. Roy for some time. He asked where he was. And in reply I said, "Mr. Roy in New York."

We saw Mr. Conklin and Mr. Weddle at that time, at Mr. Conklin's house. [190—104]

We three were all in his upstairs. The same thing took place between us. They told us to go down there to get the men up and then told Wong Yee to go down to Mexico and told Wong Chung to go to Orange and different places to hunt up places for the purpose to receive the men.

Conklin was the man that show Wong Chung the railroad map about different places; and also he draw, too, on a paper about Orange, where the Chinese laundry was; and he also told the name of the Chinaman in Orange, and about the garden, and so on; and he told us of a big bad dog in that place—in a certain place. "You are to go around to avoid it." He said he had friend at Santa Ana, friends in Oceanside, and then he going to transfer the inspector to different places. He said all these things. He say, "Had it not been for his deceiving or coaxing he would not do such a thing."

Q. (By the COURT.) How did you and Wong Chung and Wong Yee happen to go down to San Diego on this occasion you are talking about? Turn around and tell the interpreter.

(Testimony of Woo Wai.)

A. Because he written to me. I received a letter from him.

Wong Yee agreed to go to Ensenada. Next day Wong Chung took the advice of this Mr. Conklin, get off at Orange to inspect the places where Mr. Conklin indicated. And then while we left, Wong Yee stayed there to wait for their instructions to Mexico—to Ensenada. At the house of Mr. Conklin on that night he said the men down there waiting to come, down in Ensenada, and the farmers in Los Angeles and San Diego need Chinamen. He said, "There is an American doctor bringing in about twenty Chinamen every month. I will catch him bye and bye. And if he catch him, then let our men come this way." He said he went down to Ensenada all the time; he take the Government boat [191—105] and go down there.

Then after that we got six men got over, and after six men got over I went down there to pay him. I saw them both there. When the six men were come I written to him and I got reply from him. That was in September, 1910.

I went into the house. Mr. Conklin and Mr. Weddle were there. The door was closed, the curtains down. I paid him for the six men, \$50 each, \$300.

Then they said that, "You people go slow, for all this time you only got six men over. We have to find a way that you can do easier." He then stated, "You come down here to bring us \$300, and it costs you expenses." He said, "I am sorry for you."

(Testimony of Woo Wai.)

Then there he gave me \$40 for the expenses to come down. That \$40 was of two twenty dollars piece of gold. Then, after he paid me the two twenty dollar pieces, right there he asked for one of the twenty dollar pieces change for the two tens. And then right there Mr. Conklin and Mr. Weddle divide the money, each get \$130, right there before me. Put it in his pocket. Mar Jick was with me that time but when the money was handled Mar Jick was not there. I came back to San Francisco the next morning. After that time of the payment of this money I never saw Mr. Weddle before I was arrested, but I saw Mr. Conklin after that time. He came to my house in San Francisco. He came to my house four times.

Q. Well, now, just—I will get at that, if you will just hold your peace, Mr. Woo Wai.

A. (Without the interpreter.) Oh, I get mad. He puts me the job on me. [192—106]

After paying the money in San Diego I first saw Mr. Conklin in my house in November. Wong Yee and Wong Chung brought me a letter, say there is eight men about coming and so I give to him—

Mr. Conklin and I talked about those men coming. He said that he will find an easier way. He knew a man by the name of Jock, he got a gasoline engine boat, he can bring the man up by boat. He said, “You don’t get the Jake. Jake is my man. I am going to see him—attend to that part.”

He said that if one of the wheels or propeller of the boat being broken. He came to me and asked

(Testimony of Woo Wai.)

me for a hundred dollars to fix that boat, the propeller. I gave it to him and he returned it back to me the next day. He say he got money. At that time I met him at Jack's restaurant. He told me in Jack's restaurant the same thing, over and over again. I can't remember it all—all those talks.

I did not know that Mr. Conklin was coming to San Francisco in November or December, 1910, until he got there. He telephoned to my house. When I took up the receiver I asked who he was. He said he is "R. L."

Q. Explain why it was that you understood what "R. L." meant.

A. That is his name—the name he gave to me. That is the way I address to him. The initial I gave in writing to Mr. Conklin was "H. S. W. W."; that is the agreement between himself and I.

When Mr. Conklin was at my house my wife and my son and daughter were there. Mr. Conklin brought one box candy and a monkey, and a top to my children. He also gave me a cigar-holder (showing). And I gave him some silk to him, and gave some to Mr. Weddle in care Mr. Conklin. He exhibited two cigar-holders. He said, "The two are alike, whichever you choose, take one." Then he presented the candy and the other toys to my little girl and he put his hand kind of [193—107] smooth on my little girl's head, saying, "Good little girl."

Then after that he said, "You tell Wong Yee and Wong Chung not to be worried, and I will fix them

(Testimony of Woo Wai.)

coming over all right. You tell them to go to San Bernardino and I will fix it for them.”

Cross-examination.

(By Mr. STEWART.)

Q. You saw Mr. Roy at your house, and then he took out the memorandum-book with Weddle and Conklin's name on it. Now, was it September or October?

A. It was this; it was in the last part of September, met Mr. Roy in Mr. Carpenter's office.

The WITNESS.—From there we went to his (Roy's) house, and while in that house he showed me the name that appeared on that book of his, and then we started down in October. Mr. Roy told me they were his friends. He didn't say they were inspectors.

Q. The first time you went to San Diego you didn't know what you were going for, did you?

A. That is all, because Mr. Roy said that he had friends down there and had big influence, and he would pay my fare to go down there to see him, along about June when Roy's daughter married I gave him a present of a table that cost forty dollars.

Q. (By the COURT.) Woo Wai, how did you come to go away down to San Diego with Mr. Roy without any knowledge or idea of what you were going there for?

A. I went down there on account of this: That he said, “Woo Wai, you have been living here thirty years or more and have not been out anywhere. You had better come down and see Los Angeles and San

(Testimony of Woo Wai.)

Diego, and there is a way to make money. You come down there to see the parties. Likely you can do it. And if you don't, you don't need to. Come down anyway. I will pay your expenses for coming down." [194—108].

Q. Didn't it arouse your suspicions to have a man offer to pay your expenses for the trip that you knew nothing about?

A. Well, it did not, because he said we were friends. It was expensive for me to come down there. He said simply to come down to see the country and see what was in it.

Q. Well, when you heard these officers, these government inspectors, talking with Mr. Roy about violating the law, allowing Chinese to be smuggled in, and they took some money for it, didn't you think that they were a pretty dishonest and corrupt lot?

A. Yes, I have a suspicion on that. But the Government officers they are willing to do it, and I am a Chinaman, and when they want to do it, why I would go in with them.

By "De Wanter" in my letter of Nov. 23, 1910, U. S. Exhibit 15, I mean Tia Juana. Wong Chung gave me the first information I had that seven or eight men were coming to the United States; he got a letter from Wong On, which I think I saw.

Mr. STEWART.—Why do you say that you have eight men, and down here you say, "My men have H. S. Mark"? Why do you call them "my men"? (Handing document to witness and indicating "my men.")

(Testimony of Woo Wai.)

A. I not very intelligent with the language. I might express "our men"; and it is just our men.

[Testimony of Wong Yee, for Defendants.]

WONG YEE, called as a witness on his own behalf and that of the other defendants, testified as follows:

My name is Wong Yee; I live in San Francisco and I have lived in California over forty years. I know Mr. Conklin and Mr. Weddle. I saw them in San Diego in the year 1908. I had come back from China a couple of weeks. I meet Woo Wai. He say: "What you do now?" I say: "Well, I come back, I want to get some business." [195—109] Woo Wai then say: "Well, I got some business for you. I got a friend at San Diego, an inspector in chief, Mr. Conklin." I say: "What kind of business?" He say: "Well, Mr. Conklin he told me wanted me to get somebody to go to Ensenada to try to get some Chinamens to bring in the United States." I say: "It is dangerous job." Woo Wai say: "You not afraid—Mr. Weddle, Mr. Conklin protects. Mr. Conklin he look them on the road, horse-back. He fix it for me, I have talk to him already. You no believe, you can go to San Diego to talk to him." So Woo Wai told me how to get to Mr. Conklin's house. He gave me the number and telephone address and where to take the street-car. So I go to San Diego and I telephone to him. That was December 9th or 10th, 1908. [196—110]

I telephoned to him. He was answer to me. He say, "Mr. Conklin not home. You come up about

(Testimony of Wong Yee.)

half-past seven to eight o'clock. I get on the cars and go up to Twenty-one street, and he meet me on the corner of the street. I get out the low side. He out the other side. And he see me get out the car, and I walk right through and he walk right through, the other side the street. So I walk right through one block. He lived the house just about the corner. Just I go across the street the corner then he walk right through on the street, come meet me, together. "What you name?" I say, "Wong Yee." "Where you from?" "San Francisco." "All right. Who send you up?" "Woo Wai."

He open the door, he take me up second floor, one of the sit rooms. And I see Mr. Weddle.

He ask me, "Woo Wai talk you what he send you up for?" I say, "Well, I met Woo Wai; he say he fix it. The friend of Woo Wai, Mr. Conklin."

Woo Wai tell me that Conklin tell him to try to get the men through. He say: "Woo Wai, he told you that?" I say, "Yes," but that I fraid; I no want to go that kind business. "Well," he said, "I the Government. I protect you. No fraid you." I say, "Well, I don't know. I never try that kind of business." "Oh, yes; all right. I fixed everything Woo Wai already. You go through; I heard about two three hundred men Ensenada, and you going to bring some men and make some money very easy." I said, "All right. Very dangerous for that thing." He say, "Oh, you not afraid. You can bring some men and pass along and I let you men off. And you find a house the other side, the men how he

(Testimony of Wong Yee.)

coming. And I heard one man named Dr. Sam. You go down there and you not had Dr. Sam make them coming." But I don't know any Dr. Sam. He say, "Well, you go down there to Ensenada, find out." [197—111]

I say, "Well, I didn't feel much like that kind business." He say, "Oh, yes; you go. You make some money very easy there." I say, "How much you fix it Woo Wai you charge this?" He said, "Fifty dollars piece bring some men over there they pass the line." I say, "I can't bring the men. I don't know which way go." "Well, you go down Ensenada; ask you friend, ask you cousin that lives away there; and you can leave word there he can send some bodyguard and the Spana men, and get in United States, and I can send—you can send them down San Francisco." "Well," I say, "we have so much inspector watch all the station everywhere. How can they pass?"

He say, "You try get some man to bring over, and pass the line and I put my men away on the station, nobody watch you men, you can come along right through to San Francisco." I say, "Well, I don't know I can get or not." He say, "Better you go down to try." "Well," I say, "all right."

Next day I went to the custom-house to Weddle, the officer there. I say, "Mr. Weddle, you want me go down Ensenada." So I hand him my certificate. He say, "Oh, I don't care very much about the certificate." I say, "I no leave the certificate here how I can come back?" He say, "Well, I give you per-

(Testimony of Wong Yee.)

mit." He write a card. "All right. I leave that certificate here anyhow." And then I leave it on the desk and he give me that permit and I say, "All right. I go to-morrow. He say, "You go to De Wanter, from about nineteen miles. In the morning, nine o'clock, the train." I say, "All right." As I come out, he say, "You stand across the street, and eight o'clock you wait here." I say, "All right." The night-time, at eight o'clock he gave the papers back to me. He say, "I don't want them."

That is the card he gave me. [198—112]

Mr. CAMPBELL.—(Reading:)

[Defendants' Exhibit "D"—Card.]

"Mr. Harry Hadley Weddle." (That is his visiting card, evidently.) "Permit Kee Ying to pass to Mexico and return." Then comes in the "Mr. Harry Hadley Weddle, Inspector in Charge."

(It was introduced in evidence and marked Exhibit "D" of Defendants.)

I ask Weddle, "That permit let me to pass?" "Oh, yes, I telephone my man already."

He told me, "You go to-morrow."

I take the train to Tia Juana. I want pass the other side. And one inspector ask me, "Where you go?" I say, "I go Ensenada." "What you name?" "Wong Yee." "Well, you pay me your package over here. I will examine it." He examine my package and ask, "Well, what you from?" I say, "The San Francisco." "How old you?" "So many year." "Where you go?" "Ensenada." "How long you going stay?" "I can't tell. Couple

(Testimony of Wong Yee.)

day, maybe." "All right. You sign you name on the book." I sign my name on the book and he let me go.

Mr. Conklin told me: "You go by the road on the stage. They carry some letter, maybe couple people pass on the stage."

So I go the postoffice and ask, "I can go to-day? Have you got room for me on the stage?" He say, "No." Next day I ask again. He say, "No. I engage one man already. You want to hurry you hire the wagon. Somebody take you down." Then I went back to lodging-house and that man that own that lodging-house take me down to Ensenada in a wagon with one other man.

I be down Ensenada I total stranger; nobody know me. But I went to Chung store and I talk about doing some business. He ask, "Well, how you come pass, anyway?" "Oh, I have got a letter, I have got a certificate." [199—113].

He said, "What kind of business you want to look?" "Well, I got friend in San Diego he want me come here can send men up past the United States, and he can let them off, and pay so much expenses for him." I told that to Hing Chung and Yee Lun also. I tell him I got friend for San Diego; he inspector charge, and he tell me come here and try get some Chinamen, bring them over United States. Everybody say, "How much you charge?" I say, "I charge three hundred dolla, all gether."

Q. (By Mr. CAMPBELL.) Now, then, how did you arrive at the figure of \$300?

(Testimony of Wong Yee.)

A. Well, Mr. Conklin, Mr. Weddle. Mr. Conklin say, "You get three hundred dol. You pay some men to take over, and you make some money, you make lots money."

When I speak to these Chinamen at Ensenada, he no say anything me; he laugh. And he say, "I no believe you try get some Chinamen pass the land. I think the Government send you over here find out how the Chinamen pass the land." I say, "Sure. I not fool you people." He say, "Well, I no believe you that. Nobody in the town. You see this town here. Only a very few people here." Then I went out some other store—he would not talk me. I come over other store—he would not talk me. He think I work for Government. Then I stay there two days and I come back.

Q. Did you find any two or three hundred Chinamen in Ensenada that wanted to come over to the United States? A. No, Mr. Conklin tell me that.

So I come back on stage. I get back on San Diego. I go Mr. Conklin's house. I say, "Mr. Conklin home?" Lady there say, "Not home." "Well, tell him eight o'clock I want speak to him." And they say, "All right." In the night-time I went up to [200—114] his house; he lift up the window, he stand up his head out the window; he look to me to come. I just pass across the street and he say, "Hello." Then he come down and open the door. He take me up the second floor, the same room I meet him before; and I see Mr. Weddle he sat down there too. "Well, you been Ensenada,

(Testimony of Wong Yee.)

you find Chinamen want coming?" I say, "No, I no see any men there; very few men in there." He say, "Oh, yes, plenty men there." I say, "They fraid I work for Government. Nobody like talk me. I total stranger." So Mr. Weddle, he say, "Well, that is too cold this time to bring the men over to walk. Maybe he get die on the road. You better go next summer." I say, "I no like to take that kind business." "Next summer I send you the word," Mr. Conklin tell me. "Where you the number?" I give the number for him, so and so, and he put down my place, and say, "Next time I send you the word. Next summer you go again." I say, "I don't want to go." "Oh, yes, I am the Government, and I am your friend. You shut you mouth." He told me, "You know Dr. Sam?" I say, "I don't know him. I hear Suey Sam; I hear something like that." "That is the man. That man bring in so many Chinamen pass the United States. That son-of-a-bitch, I catch him and I break his neck."

Then I say, "I no want to do this kind of business." I say, "I didn't feel like it, this kind business—go against it." He say, "Oh, well, I protect you. I the Government. What you fraid? You shut you mouth all right. Everything I fix it with Woo Wai already. You keep your mouth, everything all right." I say, "Well, I won't talk; I won't say anything."

Then, tomollow morning, when I go down the city, I see Mr. Weddle stand on the depot. I get in the car. I say, "Good-by." [201—115] He say,

(Testimony of Wong Yee.)

“Good-by,” and I come down Los Angeles and I stay one day and then I go down San Francisco.

That was in December, 1908, ninth or tenth.

In August, 1909, Woo Wai told me: “Mr. Conkin send a letter down to me. He want me to send you to go to Ensenada again. He say, ‘You fellow too slow. Why don’t you send Wong Yee to go again?’ ” I reply to Woo Wai: “Oh, I don’t want to go now.”

In April, 1910, Woo Wai told me he had received another letter from Conklin, telling him that we were too slow, that we should hurry up and sent me over to try to get men, and asking “Why don’t you make money?”

I went down to San Diego again in the year 1910 with Woo Wai and Wong Chung. We saw Mr. Conklin and Mr. Weddle at night in Mr. Conklin’s house. Mr. Conklin told Woo Wai, “You send Wong Yee again Ensenada.” I say, “Well, I get fraid; not much like. Everybody no believe me. They think I work for Government; I fraid.” He say, “Oh, yes; you better go. Now, got the men there; got two three hundred men there. You go down this time, you can send some mans up.” And I say, “Well, I will see. I didn’t feel much likee go.” He says, “You have to go. You make some money.”

Q. (By the COURT.) If you were afraid, why did you go down there again?

A. Well, I didn’t feel much like go; and he say, “They got the men there. You can get some man and make some money.” Woo Wai was with me,

(Testimony of Wong Yee.)

Mr. Conklin, Mr. Weddle. "He protect me. You not afraid. You lots make money."

And I talked to Mr. Conklin and say, "Well, suppose I go Ensenada and I send a man to pass on the line, how you know that it was my mans? You say that Dr. Sam send mans all the time, and [202—116] suppose I send a man come up and you no know which mine and which Dr. Sam's?" He says, "Bring them over. Well, I tell you, you put H. S. on the card put in the pocket, put one white handkerchief on the neck; tell the bodyguard they put one white handkerchief on the neck and put the card on the pocket and no let anybody [203—117] know. Suppose he come pass the land he meet our inspector, you show him the card 'H. S.' and I know you men, I let him pass; and suppose other mans no got 'H. S.' no had white handkerchief on the neck, I catch him, put him in jail. That is all right." "Well, suppose how the man he can pass?" "Why, you tell the bodyguard to bring pass in some hill, walk right through on the hill, in the night-time he can walk, daytime he get in the bush and tell him sleep in the daytime. Tell them to talk on the railroad track, and not on the road. They make tracks there to be seen."

He talk to Wong Chung—to Wong Chung he say, "You know Orange? There is a Chinaman there; keep a vegetable garden. Maybe you can hide your mans in there. From Orange change car, go San Bernardino. You can go San Bernardino, you can take the man the pass on the other side of the rail-

(Testimony of Wong Yee.)

road company, the Santa Fe Company. You can get down there. Over there is no inspector at all." He mark these places and also Redlands on a paper. To Woo Wai he say, "Well, suppose Wong Yee he got a man, sent a man pass the land, and I let you know; you send officer away." He say, "Oh, yes. Suppose you got a man coming, you let me know one two day what day you man come I send my office away." I say, "Well, you got some office in Los Angeles to watch on the depot?" "Well," he say, "that is my mens. I can send him anywhere—down Long Beach, San Pedro." Mr. Weddle was there all this time.

Next day I went up to the custom-house for the permit from Mr. Weddle. He say, "Oh, no, No you talk." He held the hand not talk. He say, "Well, you want go Ensenada, you make out a certificate. You can go by the boat."

Mr. Conklin stand in the office there. [204—118]

He called me out the door on the hallway and say, "You can not go by the road." I say, "Why?" "Well, Mr. Weddle he told me, he say one inspector, one China inspector, he go by the road yesterday. He had a *audobil*, and something *bloke*. Send a man to come back to buy the iron for the *audobil*. And suppose you go by the road, then you meet him bad luck, be too much scared, be very scared. You go down San Francisco. You go by the boat." I say, "All right."

Next day I go down to San Francisco, and I make out merchant's certificate. On June 15, 1910, I start on the boat, and I go Ensenada. I stay about ten

(Testimony of Wong Yee.)

days. My eyes get hurt; I have a sore eye; I lost the sight of that eye. I saw Wong On there—I tell him: “I from San Francisco. I got a friend Woo Wai. Woo Wai, he can make his San Diego inspector charge you can send the mans go to United States and pass the line and you have no trouble.”

Wong On say, “Well, I don’t know. I got mens enough. Maybe I got it I send a letter to you.”

Q. (By the COURT.) Did you ever hear from Wong On after that, after you got back from Ensenada?

A. Let’s see. I get back a little over one month, I hear they had sent a letter for Wong Chung. I not see it. Wong Chung, he get told me. He say Wong On he sent six men come from Ensenada. Wong On knew about Wong Chung because I told him. I told him Woo Wai, Wong Chung, me, and I meet in San Diego. Mr. Conklin and he talk all about that.

Q. Why did Wong On write to Wong Chung instead of writing to you, who had been there to see him?

A. I tell him, “I get a bad eye. You want send a letter, you send to Wong Chung. He live in Oakland.” And I gave him Wong Chung address, and I tell him, “I have a bad eye and I [205—119] would quit that thing; I no can attend to that business.” After that I did not have anything more to do with the matter.

I know Mr. Birmingham, the man who arrested

(Testimony of Wong Yee.)

me. One morning about half-past ten, I go down to Oakland. I get on the train on the Giant Station and come down to Richmond. I get out the train at Richmond. And I get in the train and I see Mr. Birmingham. I say, "How do you do?" He say, "How do you do?" And he called me and get on the train and go down to Richmond. I get on the train. And he see me get out the train and he get out the train too. And then I go in the street-car and go down to Oakland—cable car; and he come with me to get in the car too, and go down the county line to change the car. Then I get on the car, he get on the car. He say, "Hello, Wong Yee." Say, "Where you go?" I say, "I want go down Oakland." "Come and take a drink," and called me. I say, "Oh, I need not drink much." He say, "Come on, take a drink with good friend." "All right." We go in the saloon to take a drink. I say, "I pay the money." He say, "Oh, never mind. I call you. I treat you," and he pay the money. And I step out and he come with me together to step outside the porch. Walk about five step, and he say, "Wong Yee, you got into trouble for the Government." I say, "Yes, I know." He say, "You know what I am?" "Why, you my friend." "And look at that." He opened—he showed me the star. "Well, I know I have been in trouble for the Government."

Q. (By the COURT.) How did you come to say that you knew that you had trouble?

A. Well, I heard them say, "Arrest Woo Wai,

(Testimony of Wong Yee.)

arrest Wong Chung"; everybody say, "Bye-and-bye they come and arrest you too." I say, "Well, I can't help, they arrest," And I just think so. [206—120]

And he show me the star and say, "You better go down the San Francisco with me," and "Who your lawyer?" "Tell your lawyer, and get a bondsman, and try the case in the court and get clear, that be better." I say, "All right."

We pass on the yellow boat, the Key Route.

And he say: "I take you below to that saloon." And he take me on Montgomery Street—one saloon there. And he sent the word down to the custom-house one inspector come up to that saloon. He say, "What you name?" I say, "Wong Yee." "You the Wong Yee?" Aha; I catch you—all right. You come with me."

Q. Now, did you ask Mr. Birmingham to let you go for \$500?

A. Never such thing. Never say that word.

The COURT.—Did you say to him you were an old friend, and let you go, or anything of that kind?

A. No, he did not say.

Cross-examination.

(By Mr. STEWART.)

Q. When was the first time you went to San Diego?

A. December 10 or 9, 1908, I couldn't tell what day.

Q. Weren't you in San Diego on November the 16th and 17th, with Woo Wai and Wong Chung?

A. No.

Q. Well, weren't you there on November 15th or

(Testimony of Wong Yee.)

16th with Woo Wai and Wong Chung?

A. 17th or 16th?

Q. Yes, 15th or 16th, or somewheres along there.

A. When, 1908?

Q. Yes. A. 17th or 18th.

Q. Yes, November. A. No.

Q. (By the COURT.) Wong Yee, then you never had seen Mr. Conklin or Mr. Weddle, or had a letter yourself from either of [207—121] them before the first time you went to San Diego?

A. Never.

Q. You went there at the instigation of Woo Wai, did you?

A. Well, after Mr. Woo Wai sent me the first time in December, 9th and 10th, that time, the first time I went up to San Diego, I saw Mr. Conklin and Mr. Weddle the first time.

I didn't tell Mr. Conklin and Mr. Weddle at San Diego that I had a friend at Ensenada before I went down. I didn't tell them that I had a cousin there. I went down to find if I got any cousin or not; I couldn't tell.

Wong On belongs to the Wong family. That is the same family I belong to. I have only known him since that time I went down.

[Testimony of Wong Chung, for Defendants.]

WONG CHUNG, called as a witness on his own behalf and that of the other defendants, testified as follows:

I have lived in San Francisco more than ten years. My business is merchant, storekeeper. I know Mr.

(Testimony of Wong Chung.)

Conklin and Mr. Weddle. In the month of April, 1910, I was in San Diego with Wong Yee and Woo Wai. I saw Mr. Weddle and Mr. Conklin there in Mr. Conklin's house. It was in the night-time about eight o'clock or half-past eight. Mr. Conklin had some talk with us. He said, "You boys are too slow; you ought to go faster."

Q. Too slow about what?

A. Saying that to get some men from Ensenada.

Mr. Conklin was sitting by the table. He got a paper and drew up the locations of different towns relating about Red Lands, Orange and San Bernardino and about the troubles of the different trains going to those different places, and pointing out to me. He got a map of the railroad, paper from the railroad, table, time-table, pointing out where the different stations or different towns were. And then he had an envelope, a paper something like [208—122] an envelope on his desk. He marked out; he said, "Here is Orange," marked Orange, "and then you get off here and go up; towards that way is Chinatown, and then you go along the other way; across the bridge you will find a Chinese vegetable garden." He pointed to me about the vegetable garden; told me to get off the train along that direction to the garden, and tell the Chinaman to receive the Chinamen that are going to be brought there. After I went to Orange and saw the place, I didn't keep any longer the paper.

(Testimony of Wong Chung.)

Cross-examination.

(By Mr. STEWART.)

Q. Do you understand English pretty well?

A. I can't understand very—I don't understand very much, but I understand more of the hearing than speaking.

Q. Yes. Well, how did you know what Mr. Conklin said when you were at his house in San Diego?

A. Well, I can understand what he said.

The WITNESS.—(Without the interpreter.) I can't speak it; he talk it, I understand it; he talk it, I understand.

Q. You can talk English when you want to?

A. Some I understand. I ask Woo Wai, I ask Woo Wai what he say. He tell me to go to Orange, and he told me to go what way, and what side to look and to go to vegetable garden and the big dog there, "You look out that big dog" like that.

Witnesses for Government in Rebuttal.

[Testimony of Donaldina Cameron, for the Government (in Rebuttal).]

DONALDINA CAMERON, called on behalf of the Government, in rebuttal, testified as follows:

The WITNESS.—I have lived in San Francisco seventeen years, and have known Woo Wai that long. I am engaged in Mission work, among the Chinese women and girls. I have discussed the reputation [209—123] of Woo Wai with people who live in Chinatown, and am acquainted, to some extent, with his general reputation in the community where he

(Testimony of R. L. Conklin.)

lives, for truth, honesty and integrity. It is not good.

**[Testimony of R. L. Conklin, for the Government
(in Rebuttal).]**

R. L. CONKLIN, recalled on behalf of the Government, in rebuttal, testified as follows:

The WITNESS.—I never wrote a letter to G. M. Roy, nor have I ever received a letter from him. I never told Woo Wai to destroy letters he received from me. I did not tell Wong Chung at the meeting in my house in April, 1910, to go to Orange. There never was anybody at my house with Woo Wai, except Wong Chung, Wong Yee and Mar Jick, and I never heard of anyone named Woo Mon Yin in the transaction. I may have given Woo Wai a cigar, at the meeting between Roy, Woo Wai and myself in the hotel, October 26, 1908, as at that time I smoked, and usually carried cigars in my pocket, but I never told him they were smuggled.

[Instructions of Court to Jury.]

The Court instructed the jury as follows:

Gentlemen of the jury, if you will give me your attention now for a short time, I shall proceed to submit to you the principles of law that must govern in your consideration of the evidence in this case for the purpose of reaching a verdict, and when I have done so it will be your obligation under your oaths to observe the principles that I submit to you as those which must control this case. Whatever differences there might exist and be found by you to exist in the

minds of any of you as to your own ideas as to what the law is, will have nothing to do with this case. The law provides that the law must be submitted to the jury by the Court. That, among other considerations, [210—124] springs from this: that it is a tangible source from which the law that governs the case is given, and it is to be given so that if an error is committed it is always susceptible of being corrected in a higher tribunal; whereas, if the jury were permitted to undertake to decide the case in accordance with their own preconceived ideas of the law, ideas unknown either to the counsel or the Court, there would be no means of correcting any error that their judgment might have led them into by following such principles; and, therefore, it is your duty, under your oaths, to obey the law as given to you by the Court, whatever your individual ideas may be upon the subjects involved. I suggest these things in view of some differences that you will observe as you listen to the instructions of the Court that exist between counsel and the Court as to the law that should govern this case. Of course, counsel are entitled to advance and insist upon the reasonable ground of their view of the law. The obligation and duty rests upon the Court to determine what the law is, and by that the jury is bound. As I suggested, if in giving you the law, in accordance with my assumed knowledge of it, I commit error, then, of course, there is a perfect remedy for the party who is injured thereby to have it corrected.

The defendants are charged with conspiracy. I need not recite the contents of the indictment at

length; it has been read to you and you are familiar with it. In appropriate terms it, in legal effect, charges the defendants on trial, Woo Wai, Wong Chung, Wong Wing Sai, and Wong Yee, and certain other parties with whom we are not here concerned, with having at the date alleged knowingly, intentionally and unlawfully entered into a conspiracy to commit an offense against the United States, in violation of Sec. 37 of the Criminal Code of the United [211—125] States, that is to say, a conspiracy to then and there bring into and cause to be brought into, and to aid and abet the bringing into the United States by land from Mexico, of Chinese persons not entitled to enter the United States and known to defendants not to be so entitled. Certain overt acts, that is, open and manifest acts, are then charged to have been committed by the defendants and others in pursuance of such conspiracy, and for the purpose of carrying it into effect. In that regard it is alleged in substance that Valenzuela, Gonzales and Sias, defendants named in the indictment as parties to the conspiracy, but not on trial, brought or conducted a certain party of eight Chinese not entitled under the law to enter the United States, from Ensenada, Mexico, to San Bernardino in this District, and that at the latter point the defendants Wong Chung and Wong Wing Sai took charge of certain of these contraband Chinese to conduct them to their destination. These are in substance the allegations of the indictment so far as necessary here to state them.

Section 37 of the Criminal Code alleged to have been violated by the acts complained of, provides that

if two or more persons conspire to commit an offense against the United States, and one or more of the parties do any act to affect the object of the conspiracy, each of the parties to such conspiracy is guilty of an offense; and the statutes of the United States provide that any person who knowingly brings into or causes to be brought into the United States by land or aids or abets in so bringing in any Chinese person not lawfully entitled to enter the United States, commits an offense against the law. The bringing unlawfully into the country of Chinese persons not entitled to enter therein is thus made an offense and such offense is within the provisions of Sec. 37 above referred to, making a conspiracy to commit it criminal. [212—126]

As based upon the facts charged in this indictment, a conspiracy is a combination between two or more persons to do a criminal or unlawful act. A common design between two or more persons is the essence of the charge. It is not necessary, to constitute a conspiracy, however, that the parties thereto shall meet and enter into an explicit or formal agreement for an unlawful scheme, or that they shall directly by words or in writing state what the unlawful scheme is to be. The combination or common design may be regarded as established if the jury find that the parties charged were actually pursuing, in concert, the unlawful object alleged in the indictment, whether acting separately or together, or by common or different means, providing all were contributing to the same unlawful result.

Neither is it necessary that it shall appear that all

of the parties originally combined together, or that each was an original contriver of the mischief. If it is shown that there was in the beginning an unlawful agreement to do the acts charged between two or more of the defendants, and that at any subsequent time a new or additional party came into the conspiracy for the purpose of aiding in the accomplishment of the original plan, and does any act in furtherance of the original design, he is from that moment a fellow-conspirator and responsible for all the consequences which flow from such participation. While it is not essential that each conspirator should know the exact part which every other conspirator is to perform, you must be satisfied that a party charged with participation in any of the steps taken in furtherance of the original scheme had knowledge that the parties whom he was assisting were engaged in the same unlawful design. Such knowledge may be inferred from his conduct [213—127] if the acts proved are of a nature to satisfy the jury that he was aware of the fact that the parties with whom he was associated in the transaction were engaged in wrongdoing. Where an unlawful end is intentionally sought to be effected, and two or more persons, actuated by the common purpose of accomplishing that end, purposely work together in any way in furtherance of the unlawful scheme, every one of such persons becomes a principal in the conspiracy, although the part he was to take therein was a subordinate one or was to be executed at a remote distance from the other participants. It is not essential to the guilt of the defendants that the conspiracy prove

successful, or that its specific objects be accomplished, so long as some overt act charged in the indictment was done by either of the parties to the conspiracy for the purpose of carrying the same into effect. Furthermore, where several persons are proved to have combined together for the same illegal purpose and with the same object in view, the law is that any act done by one of the parties in pursuance of the preconcerted plan and with reference to the common object and to effect the object of the combination, becomes the act of each party thereto, and evidence of such act is admitted as evidence against all of the others who are engaged in the same conspiracy. While the declaration of a co-conspirator cannot prove the existence of the conspiracy itself, yet any declaration or statement made by one of the conspirators during the existence and in furtherance of the unlawful combination, when established, is not only evidence against him, but is evidence against the other conspirators, who, if the combination is proved, are as responsible for such declarations or statements as if made by themselves. [214—128]

The formation or existence of a conspiracy may be shown either by positive evidence, such as declarations or writings, or by circumstantial evidence, such as showing that the parties charged acted in concert in committing the alleged overt acts, or under circumstances warranting the inference that their acts were the result of previous understanding or arrangement between them. The existence of a conspiracy may be manifested either in words or in deeds. In this case, therefore, even though you may not find

that there was any open or express declaration of purpose on the part of those concerned to unite in doing the act charged, yet if you find that the acts of the defendants were committed or accomplished in a manner or under circumstances which, by reason of the situation of the parties at the time and the conditions surrounding them, give rise to a reasonable and just inference that it was done as the result of a previous agreement or understanding between them, then you will be justified in finding that a conspiracy existed to do the act. Nor is it necessary in the formation of a conspiracy that all of the parties thereto shall actually meet together at one and the same time or place and discuss the means of carrying its object into effect, or in any formal way agree upon the methods to be pursued in accomplishing such design. A conspiracy may be and frequently is formed and carried out without the express declaration of its purpose by any of those concerned, which in itself would necessarily tend to show the existence of a concerted purpose; and yet when taken in connection with the acts of the parties, or when the acts themselves are considered independently of any such declaration, the existence of the conspiracy may be made clearly to appear. It is sufficient if the circumstances shown satisfy you to the extent I shall instruct you that the parties thereto [215—129] were acting together towards a common end, and that that end was the illegal act or thing charged as the object of the alleged conspiracy.

The burden of proving a criminal charge is on the Government, and it is not necessary for a defendant

to offer evidence in disproof of any allegation of the indictment until the facts proven are sufficient to establish his guilt. Before a conviction can be had, it is incumbent on the Government to prove the guilt of a defendant by evidence which satisfies the minds of the jury beyond a reasonable doubt, that is, by evidence which produces in the minds of the jury an abiding conviction of the truth of the charge and which accords with and satisfies their reason and judgment to a moral certainty. Proof less satisfactory than this is not proof beyond a reasonable doubt and is not sufficient upon which to convict of crime. This degree of proof applies to each independent fact or circumstance relied upon to show guilt; that is, each essential fact or circumstance in a chain of facts or circumstances necessary to establish guilt must be sustained to the same degree of certainty, since a chain is truly said to be no stronger than its weakest link. And where the jury is left with a reasonable doubt as to the truth of any one such essential fact, a defendant is entitled to the benefit of such doubt by an acquittal. And where circumstantial evidence is relied upon, in whole or in part, for a conviction, it is not enough that the circumstances proved are merely consistent with and point to the commission of the offense charged; such circumstances must not only be in harmony with the guilt of the accused, but they must be such that they cannot reasonably be true in the ordinary nature of things and the defendant be innocent.

By what has been said, however, upon the degree of proof [216—130] required, you will not under-

stand that the Government is called upon to make a case free from any possible doubt, for such proof is rarely obtainable in dealing with human transactions; and therefore a mere fanciful doubt or feeling of hesitation should not deter you if you are satisfied that such doubt or hesitation is not sustained by your sound and sober reason after a conscientious consideration and comparison of all the evidence in the case.

The theory of the defense interposed by these defendants, as indicated by their evidence and the declarations of their counsel in argument, is, that if a conspiracy such as alleged has been shown, to which they were parties, such conspiracy was inspired and brought about through the inducement and instigation of the Government agents, and would not have been entered upon by defendants but for such instigation, nor attempted to be carried out but for the aid given by such agents—in other words, that the Government agents laid a trap for defendants and procured them to commit a crime for the very purpose of prosecuting and convicting them thereof.

But I am constrained to charge you, gentlemen of the jury, that, under the law, this theory, even if you find it sustained by the evidence, cannot be availed of by the defendants in this case as the basis of a valid defense. In other words, were you to find the facts to be fully as testified to by the defendants who took the stand, these facts would constitute no legal or valid defense in law to the charge embraced in this indictment.

In the first place, none of the Government agents

or officers whose conduct is involved in this case had the right or power to authorize the commission of the offense charged, which is an offense against the United States, and their consent to its commission, if given, or their participation therein, if you [217—131] find they did so participate, is no protection whatsoever, under the law, to the defendants or any of them, against conviction therefor, should you find that they committed the acts charged in the indictment.

Neither did said officers have the power or authority to protect defendants or any other person, if guilty of violations of the law, from arrest therefor, and a promise to that end, if given, is of no avail for defendants' protection against the consequences of their acts as you may find them. In other words, persons engaged in a criminal conspiracy such as here charged may be held guilty of the crime even though they were acting in the belief that Government officers or agents were co-operating with them, and notwithstanding the parties so engaged were depending upon such officers to protect them from arrest and to aid in carrying out the object of the conspiracy.

Defendants were charged with a knowledge of these things, under the law, and, whether or not they knew them in fact, cannot be heard to invoke their ignorance as a protection against their criminal act, if you find such was committed by them.

If, therefore, you find from the evidence beyond a reasonable doubt that defendants committed the acts charged in the indictment, it will be your duty

to find them guilty, notwithstanding the participation in such acts of the officers of the Government, if you find there was such participation.

It is the duty of officers of the Immigration Service to prevent, if possible, any and all violations of the immigration laws, and to seek out and arrest all persons who violate or are attempting to violate those laws; and in the pursuit of those duties it is at times deemed necessary and proper, and the law recognizes the right of officers, if acting honestly and in the [218—132] discharge of their duty to the Government, to resort to artifice in order to detect and apprehend persons engaged in such violations.

If, therefore, you find in this case that the officers here involved were acting in good faith with the Government in the discharge of their duty, and were engaged in negotiations with the defendants, or any of them, in the transaction involved, with the sole purpose of detecting crime and with the honest purpose of performing their duty as such officers, and that they had no actual purpose or intent of wrongfully aiding or participating in the commission of the offense charged, then they are in no legal sense accomplices or co-conspirators in the commission of said offense, should you find that the same was committed, and their evidence is not to be regarded or treated by you as the evidence of accomplices.

Evidence has been introduced before you tending to show that two of the defendants, Wong Chung and Wong Wing Sai, made certain promises of reward to the witnesses Wong Ging Wee, Wong Ging Foon, Wong Sum, and Wong Dom Him, after their

arrest, coupled with certain threats or representations calculated and intended to induce them to testify falsely in this case in certain respects. Should you find this evidence to be true, you may take the facts so testified to into consideration in determining the guilt or innocence of these two defendants as tending to show a consciousness of guilt on their part, and a desire to suppress the facts and prevent the development and exposure of the truth.

There was likewise evidence introduced tending to show that the defendant Wong Yee upon his arrest for the offense charged, offered the arresting officer, John Birmingham, a sum of money to release him and permit him to go at large. Should [219—133] you find this evidence to be true, the fact so established may be taken into account by you against said defendant in determining his guilt or innocence, as tending to show a consciousness of guilt and a desire to escape punishment therefor.

Evidence as to the good character of certain of the defendants in the community in which they live as to the trait involved in the charge has been introduced before you. Such evidence is proper in support of the presumption of innocence which surrounds the defendants, and is a circumstance tending to show innocence, since the law presumes that a man of good character will not as readily enter upon or engage in a criminal enterprise as one who has a previous bad character. You should therefore give to this evidence due consideration with the other evidence in the case in determining the guilt or innocence of the defendants to whom it applies; but you

will understand that notwithstanding it may appear that the defendants have up to the time of this charge borne a good reputation in the community where they live, that fact should not deter you from finding a verdict adversely to them under this indictment if you find from the evidence as a whole that their guilt has nevertheless been established to your satisfaction beyond a reasonable doubt.

The jury may in their wisdom convict any or all of the defendants embraced within the indictment and on trial before them, as the evidence may warrant, or acquit all or any of them. It is not required, in other words, because the indictment embraces a charge against a considerable number of persons, that the Government is necessarily called upon to prove a case of guilt against each and all of the defendants. If the evidence warrant you in your wisdom in saying that certain of the defendants are guilty, but you are unable to so find with reference [220—134] to other defendants, then your duty is simply to find a verdict of guilty against those as to whose guilt you are satisfied, and acquit those as to whom you have a reasonable doubt.

The fact that all the defendants named in the indictment are not here present before you for trial is a fact with which you have no concern whatsoever. The reasons why that situation of the case has been brought about are reasons which in no wise affect the rights of the present defendants upon trial and cannot affect their right under the law in any wise, and therefore it is something with which you should not concern your minds.

I think, gentlemen of the jury, that those are all the specific principles that I care to call to your attention. There are certain general considerations, however, applying to every case of this nature, which it is my duty to call to your attention. As I have stated to you, it is the duty of the Court to charge the jury as to the law, and it is their duty to accept the law from the Court. But it is equally the duty of the jury, and the sole duty of the jury, to pass upon the facts in the case. With that function the Court has nothing whatsoever to do other than an endeavor to see that only proper evidence is permitted to go before the jury. When it has performed that function, and the evidence has been submitted to the jury, then their function, and their function alone, is to pass upon that evidence and say what the facts in the case are. And it is neither the province nor the disposition of the Court to in any manner interfere with that duty of the jury. If you have during the progress of this trial gathered any impression whatsoever from anything that I may have uttered in passing upon an objection, asking a question from a witness, or suggesting anything to counsel, as to anything that I have said in this case, you are [221—135] to entirely disregard any such impression as you may have received from such source, unless you find that it accords with your own judgment, based upon the consideration of all the evidence in the case, because it is certainly not the purpose nor the desire of the Court to ever interfere with or sway in the slightest, or affect the consideration of the jury in what would be an improper way, by giving them

its views as to what their duty is. It is perfectly proper, as was suggested to you by one of the defendant's counsel in argument, for the Judge of a federal court to suggest to the jury his views of the evidence if he sees fit. Ordinarily I do not do so. My observation of juries in federal courts is that they are of a degree of intelligence which does not call for the exercise of that privilege by the judge. The jury has had not only throughout the progress of the trial the benefit of the observations of counsel and the Court as the evidence was placed before them, but, moreover, they have had before the cause came to be submitted to them, the benefit of the eloquence and well-considered arguments by counsel, elucidating the deductions from their point of view that are to be drawn from the evidence and thereby directing your minds in an intelligent way to the facts as they conceive them, and enabling you thereby to have a better idea as to the deductions that should be drawn from the evidence than you would have without that aid. Of course, in that connection, gentlemen of the jury, after all, the onus and responsibility of finding the facts in the case rests entirely upon your shoulders, and while you are entitled to any aid that counsel can afford you, you are to use your own judgment in drawing the proper deductions and making the proper findings from the evidence, and if counsel in their zeal have made suggestions as to their view of the evidence, [222—136] or inadvertently made statements of the evidence, you, when you come to consider this case, will draw the deductions for yourself and say for yourself what

the evidence was upon a given point, and therefrom reach your own conclusions, unswayed by any considerations excepting that which will result from a fair and impartial consideration of the evidence in the case.

In that connection, gentlemen of the jury, you are also the judges of the credibility of the witnesses. It is hardly necessary for me to say much to you as to the rule or method of determining the credibility of witnesses. We do very much in courts as we determine the truth or falsehood of a statement made to us by one of our fellow-men upon the street. The manner of the witness is observed upon the stand, the testimony he has given is tested by the rules of reason and common sense, and you determine the degree of credibility that you are to accord to that witness very much in the same manner as you would determine, as I say, whether a friend or an enemy, as the case might be, was making a statement of fact to you. You see how far the evidence of a witness accords with the other facts as proven in the case, how far it is consistent with those facts, and to what extent, if any, it is improbable in itself, inherently improbable. Of course, a witness comes upon the stand surrounded by the presumption that he is telling the truth, and it is the duty of the jury to accord him the benefit of that presumption unless that presumption is overcome by the manner in which he testifies, the facts that he testifies to, or other circumstances in the case which disclose to the jury that they cannot rely upon his statements. The fact that a witness appears to the jury to have been merely

mistaken as to a part of his evidence does not necessarily discredit him in other respects. It might make you more careful, perhaps, in [223—137] the consideration of the rest of his evidence. But if a witness comes upon the stand and tells what you believe to be a deliberate falsehood, then you have a right, in your wisdom, to discredit all his testimony, unless the other evidence in the case is such as to satisfy you that in other respects he has told the truth. This applies to all the witnesses alike.

Certain defendants have taken the witness-stand in this case and given their version of the facts. Now, the defendants are entitled as witnesses to the same kind of consideration as any other witnesses. They are not to be discredited upon the ground that they are defendants. You are to accord to them the same fair and impartial consideration of their evidence in the light of all the other facts in the case as you would the testimony of a witness without the slightest interest in the case. But in connection with the evidence of the defendants, you have a right to, precisely as you have a right with reference to any other witness, consider the interest they have in the results of the trial, to determine how far that interest may have tended to color his evidence in his own interest, or otherwise. You will understand from this that there is no presumption against the truth of the evidence that a defendant may give upon the witness-stand any more than that of any other witness that comes into the case, but you are entitled to consider the interest he has in the result of the trial in coming to a

verdict, and to what extent that may affect his testimony before you.

Gentlemen of the jury, the fact that an indictment is found against a man is no evidence of guilt whatsoever. It gives rise to no presumption of guilt. A defendant charged with a criminal offense is presumed under the law to be innocent until his guilt is proved by evidence which satisfies the minds of the jury, as [224—138] I have indicated to you, beyond what is termed a reasonable doubt, and which I have undertaken to define to you. You will bear that in mind in passing upon the rights of these defendants, as between them and the Government.

[Exceptions to Certain Instructions Given and Refused.]

Mr. CAMPBELL.—May it be understood that the instructions which were argued, and which you refused to give on behalf of the defendant, and those which you gave this morning, may be under an exception.

The COURT.—You may take that exception now. The fact is that the Supreme Court has recently suggested that those exceptions should be taken before the jury retires—you must specify in a general way your exceptions, and that is suggested for the reason that the court is to be given an opportunity to correct it.

Mr. CAMPBELL.—I only refer to those which we have talked about, which your Honor has decided both against the prosecution and against us—those particular ones I do not deem it necessary to specify, because your Honor has been apprised of both of

them. That in relation to the entrapment, and so forth, of the defendants.

The COURT.—You except to the charge as given by the Court on that question?

Mr. CAMPBELL.—Yes.

Mr. DENIS.—And the refusal to give those instructions.

The COURT.—Yes.

The above instructions constitute all the instructions given by the Court to the jury.

The following are the instructions requested by the defendants, and which the Court refused to give to the jury: [225—139]

[Instructions Requested by Defendants and Refused.]

Under proper circumstances a Government officer may, and it is frequently his duty to, engage in the detection of crime, but no one may or should procure the commission of crime for the purpose of arresting anyone. No one should lend aid or encouragement to the commission of crime, and no Court should, even to aid in detecting a supposed offender, lend its countenance to violation of positive law or to contrivances for inducing a person to commit a crime; therefore, if you find from the evidence that the plan to entrap the defendants into the commission of the overt act charged in the indictment was devised, instigated or suggested to the defendants, or any of them, by Government officers, or that the defendants, or any of them, were induced or solicited by Government officers to commit the overt act charged in the indictment, your verdict should be not guilty.

If you find from the evidence presented to you in this case that officers of the United States Government, or an agent, or agents of or persons acting under the employment of such Government officers, advised, instigated, suggested, induced or procured the defendants to conspire and confederate together for the purpose of violating the Chinese exclusion laws of the United States, you should find the defendants not guilty.

If you find from the evidence that the defendants brought, or caused to be brought into the United States the Chinese persons named in the indictment, in violation of the Chinese exclusion laws of the United States, and in pursuance of the conspiracy alleged in the indictment, if you find that such a conspiracy was entered into or existed, yet if you believe from the evidence that the defendants brought, or caused to be brought into the United States the Chinese persons named in said indictment by reason of, or because of the instigation, suggestion, plan, inducement [226—140] or procurement of officers or employees of the United States Government, your verdict should be not guilty.

[Stipulation Re Settlement of Bill of Exceptions.]

It is hereby stipulated that the foregoing may constitute the Bill of Exceptions of the above-entitled

cause and that the same may be settled by the Judge who tried the same.

ALBERT SCHOONOVER,

U. S. Attorney,

HARRY R. ARCHBALD,

Asst. U. S. Atty.,

Attorneys for Plaintiff.

J. C. CAMPBELL,

WEAVER, SHELTON & LEVY,

DENIS & LOEWENTHAL,

C. H. SOOY,

Attorneys for Defendants.

[Order Settling Bill of Exceptions.]

The foregoing bill of exceptions is hereby settled as engrossed above.

WM. C. VAN FLEET,

Judge.

[Endorsed]: No. 303—Criminal. In the District Court of the United States, Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Engrossed Bill of Exceptions on Behalf of Defendants Woo Wai, Wong Chung and Wong Yee. Filed May 29, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. J. C. Campbell, 659 Mills Bldg., San Francisco, Cal., Attys. for Defts. Above Named. **[227]**

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

Assignment of Errors.

Woo Wai, Wong Chung and Wong Yee, defendants in the above-entitled cause, and plaintiffs in error herein, having petitioned for an order from said Court permitting them to procure a Writ of Error from this Court directed from the United States Circuit Court of Appeals for the Ninth Circuit from the judgment and sentence made and entered in said cause, against said plaintiffs in error, and petitioners herein, now make and file with their said petition the following assignments of error herein upon which they will rely for a reversal of said judgment and sentence upon the said writ, and which said errors, and each and every of them, are to the great detriment, injury and prejudice of the said defendants, and in violation of the rights conferred upon them by law; and they say that in the record and proceedings in the above-entitled cause upon the hearing and determination thereof in the District Court of the United States for the Southern District of California, Southern Division, there is

manifest error in this, to wit:

1. The Court erred in overruling the objection of defendants to the introduction of any evidence under the indictment, said objection having been made upon the ground that said indictment failed to state an offense under Section 5440 of the Revised Statutes of the United States, or under the Penal Code, or any offense whatever, particularly [228] the offense of conspiracy, and more particularly on the ground that it failed to allege the doing of any overt act in furtherance of the conspiracy sought to be alleged, or of any conspiracy.

2. The Court erred in overruling the objection of the defendants to the question put to the witness K. C. Lanier: "State your full name," and the Court further erred in permitting any examination of said witness, and in permitting the introduction of any evidence concerning acts or declarations of the defendants, or of any of the conspirators or of their accomplices or assistants, done or made after the entry of the Chinese laborers in the United States. [229].

3. The Court erred in charging the jury as follows:

The theory of the defense interposed by these defendants as indicated by their evidence and the declaration of their counsel in argument, is, that if a conspiracy such as alleged has been shown, to which they were parties, such conspiracy was inspired and brought through the inducement and instigation of the Government agents, and would not have been entered upon by defendants but for such instigation,

nor attempted to be carried out but for the aid given by such agents—in other words, that the Government agents laid a trap for defendants and procured them to commit a crime for the very purpose of prosecuting and convicting them thereof.

4. But I am constrained to charge you, gentlemen of the jury, that, under the law, this theory, even if you find it sustained by the evidence, cannot be availed of by the defendants in this case as the basis of a valid defense. In other words, were you to find the facts to be fully as testified to by the defendants who took this stand, these facts would constitute no legal or valid defense in law to the charge embraced in this indictment.

5. In the first place, none of the Government agents or officers whose conduct is involved in this case had the right or power to authorize the commission of the offense charged, which is an offense against the United States, and their consent to its commission, if given, or their participation therein, if you find they did so participate, is no protection whatever, under the law, to the defendants or any of them, against conviction therefor, should you find that they committed the acts charged in the indictment.

6. Neither did said officers have the power or authority to protect defendants or any other person, if guilty of violations of the law, from arrest therefor, and a promise to that [230] end if given is of no avail for defendants' protection against the consequences of their acts as you may find them. In other words, persons engaged in a criminal con-

spiracy such as here charged may be held guilty of the crime even though they were acting in the belief that Government officers or agents were co-operating with them, and notwithstanding the parties so engaged were depending upon such officers to protect them from arrest and to aid in carrying out the object of the conspiracy.

7. Defendants were charged with a knowledge of these things, under the law, and, whether or not they knew them in fact, cannot be heard to invoke their ignorance as a protection against their criminal act, if you find such was committed by them.

8. If, therefore, you find from the evidence beyond a reasonable doubt that defendants committed the acts charged in the indictment, it will be your duty to find them guilty, notwithstanding the participations in such acts of the officers of the Government, if you find there was such participation.

9. The Court erred in refusing to give the following instruction requested by the defendants:

Under proper circumstances a Government officer may, and it is frequently his duty to, engage in the detection of crime, but no one may or should procure the commission of crime for the purpose of arresting anyone. No one should lend aid or encouragement to the commission of crime, and no Court should, even to aid in detecting a supposed offender, lend its countenance to violation of positive law or to contrivances for inducing a person to commit a crime; therefore, if you find from the evidence that the plan to entrap the defendants into the commission of the overt act charged in the indictment was devised, instigated or

suggested to the defendants, or any of them, by Government officers, or that the defendants, or any of them, were induced or solicited by Government officers to commit the overt act charged in the indictment, your [231] verdict should be not guilty.

10. The Court erred in refusing to give the following instruction requested by the defendants:

If you find from the evidence presented to you in this case that officers of the United States Government, or an agent, or agents of or persons acting under the employment of such Government officers, advised, instigated, suggested, induced or procured the defendants to conspire and confederate together for the purpose of violating the Chinese exclusion laws of the United States, you should find the defendants not guilty.

11. The Court erred in refusing to give the following instruction requested by the defendants:

If you find from the evidence that the defendants brought, or caused to be brought, into the United States the Chinese persons named in the indictment, in violation of the Chinese exclusion laws of the United States, and in pursuance of the conspiracy alleged in the indictment, if you find that such a conspiracy was entered into or existed, yet if you believe from the evidence that the defendants brought, or caused to be brought into the United States the Chinese persons named in said indictment by reason of, or because of, the instigation, suggestion, plan, inducement or procurement of officers or employees of the United States Government, your verdict should be not guilty.

12. The Court erred in overruling and denying defendants' motion in arrest of judgment.

13. The Court erred in overruling and denying defendants' motion for a new trial.

14. The Court erred in making, giving and rendering judgment against the defendants on the indictment herein, for the reason that said indictment does not state an offense against any law of the United States, and for the reason that the verdict [232] of the jury was against law, in that the evidence showed that the crime alleged to have been committed by the defendants was instigated, procured and induced by officers and employees of the United States Government, and was not planned or committed by said defendants other than through said instigation, plan and procurement of said officers of the Government.

15. The Court erred in pronouncing sentence against the defendants.

DENIS & LOEWENTHAL,
J. C. CAMPBELL,
C. H. SOOY,

Attorneys for Woo Wai, Wong Chung and Wong
Yee, Plaintiffs in Error.

United States of America,
Southern District of California,
Southern Division,—ss.

We hereby certify that the foregoing Assignments of Error are made on behalf of the petitioners for a Writ of Error herein, and are in our opinion well taken, and the same now constitute the Assignment

of Errors upon the writ prayed for.

DENIS & LOEWENTHAL,
J. C. CAMPBELL,
C. H. SOOY,

Attorneys for Plaintiffs in Error.

[Endorsed]: Original. No. 303—Criminal. In the District Court of the United States, in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Assignment of Errors. Received copy of the within Assignment of Errors this 23 day of September, 1912. A. I. McCormick, Attorney for United States. Dudley W. Robinson, Asst. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. Joseph C. Campbell, C. H. Sooy and Denis & Loewenthal, 414 Wilcox Building, Corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [233]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

Petition for Writ of Error.

Your petitioners, Woo Wai, Wong Chung and

Wong Yee, defendants in the above-entitled cause, bring this their petition for a writ of error to the District Court of the United States, in and for the Southern District of California, Southern Division, and in that behalf your petitioners say:

On the 23d day of March, 1912, there was made, given, rendered and entered in the above-entitled court and cause judgments against your petitioners, wherein and whereby your petitioner Woo Wai was sentenced to pay a fine of \$5,000.00 and to be imprisoned in the United States Penitentiary at McNeil's Island for a period of 18 months; your petitioner, Wong Chung, was adjudged and sentenced to imprisonment for twelve months in the County Jail of the County of Los Angeles, and to pay a fine of \$3,000.00; your petitioner, Wong Yee, was adjudged and sentenced to imprisonment for twelve months in the County Jail of the County of Los Angeles, and to pay a fine of \$2,000.00; and your petitioners say that they are, and each of them is advised by counsel, and they and each of them avers that there was and is manifest error in the records and proceedings had in such cause, and in the making, giving, rendition and entry of such judgment and sentence, to the great injury and damage of [234] your petitioners, all of which error will be more fully made and appear by an examination of the said record, and by an examination of the bill of exceptions by your petitioners tendered and filed, and in the Assignment of Errors hereinafter set out, and to that end, thereafter that the said judgment, sentence and proceedings may be reviewed by the United States Circuit Court of Appeals for the

Ninth Circuit, your petitioners now pray that a writ of error may be issued directed therefrom to the said District Court of the United States for the Southern District of California, Southern Division, returnable according to law and the practice of the Court, and that there may be directed to be returned pursuant thereto a true copy of the Record, Bill of Exceptions, Assignments of Errors, and all proceedings had in said cause, that the same may be removed into the United States Circuit Court of Appeals for the Ninth Circuit, to the end that the error, if any has happened, may be duly corrected, and full and speedy justice done your petitioners.

And your petitioners now make the Assignment of Errors attached hereto upon which they will rely, and which will be made to appear by a return of said Record in obedience to said Writ.

WHEREFORE, your petitioners pray the issuance of the Writ as herein prayed, and pray that the Assignment of Errors annexed hereto may be considered as their Assignment of Errors upon the Writ, and that the judgment rendered in this cause may be reversed and held for naught. And that said cause be remanded for further proceedings, and they be awarded a supersedeas upon said judgment, and all necessary process, including bail.

WOO WAI.

WONG CHUNG.

WONG YEE.

DENIS & LOEWENTHAL,

J. CAMPBELL,

C. H. SOOY,

Attorneys for Defendants. [235]

[Endorsed]: Original. No. 303—Criminal. In the District Court of the United States, in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Petition for Writ of Error. Received copy of the within Petition for Writ of Error this 23 day of September, 1912. A. I. McCormick, Attorney for United States. Dudley W. Robinson, Assistant. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. Denis & Loewenthal, 414 Wilcox Building, corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [236]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

**Order Allowing Writ of Error and Supersedeas [on
Behalf of Woo Wai].**

The writ of error and supersedeas therein prayed for by the defendant, Woo Wai, pending the decision upon the writ of error are hereby allowed, and the defendant Woo Wai is admitted to bail upon the writ of error in the sum of \$15,000.

The bond for costs upon the writ of error is hereby fixed at the sum of \$250.00.

OLIN WELLBORN,
District Judge.

[Endorsed]: Original. No. 303—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Order Allowing Writ of Error and Supersedeas of Woo Wai. Received copy of the within order this — day of September, 1912. ———, Attorney for United States. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. J. C. Campbell, C. H. Sooy, Denis & Loewenthal, 414 Wilcox Building, corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [237]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

**Order Allowing Writ of Error and Supersedeas [on
Behalf of Wong Yee].**

The writ of error and the supersedeas therein

prayed for by the defendant Wong Yee, pending the decision upon the writ of error, are hereby allowed, and the defendant Wong Yee is admitted to bail upon the writ of error in the sum of \$7,500.

The bond for costs upon the writ of error is hereby fixed at the sum of \$250.00.

OLIN WELLBORN,

District Judge.

[Endorsed]: Original. No. 303—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Order Allowing Writ of Error and Supersedeas of Wong Yee. Received copy of the within this — day of September, 1912. ———, Attorney for United States. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. J. C. Campbell, C. H. Sooy, Denis & Loewenthal, 414 Wilcox Building, corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [238]

*In the District Court of the United States, Southern
District of California, Southern Division.*

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI, WONG CHUNG, WONG WING SAI
and WONG YEE,

Defendants.

**Order Allowing Writ of Error and Supersedeas [on
Behalf of Wong Chung].**

The writ of error and the supersedeas therein prayed for by the defendant, Wong Chung, pending the decision upon the writ of error, are hereby allowed, and the defendant Wong Chung is admitted to bail upon the writ of error in the sum of \$10,000. The bond for costs upon the writ of error is hereby fixed at the sum of \$250.00.

OLIN WELLBORN,
District Judge.

[Endorsed]: Original. No. 303—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Order Allowing Writ of Error and Supersedeas of Wong Chung. Received copy of the within order this — day of September, 1912. ———, Attorney for United States. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. J. C. Campbell, C. H. Sooy, Denis & Loewenthal, 414 Wilcox Building, corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [239]

Illinois Surety Company. Amount \$15,000.00 Penal.
No. S. F. 1817. \$250.00 Costs.

Supersedeas Bond [Given by Woo Wai].

KNOW ALL MEN BY THESE PRESENTS:
That we, Woo Wai, of San Francisco, California, as

principal, and the ILLINOIS SURETY COMPANY, an Illinois corporation, having its principal place of business at Chicago, Illinois, authorized under the provisions of Act of Congress approved August 13, 1894, as amended by the Act of Congress approved March 23, 1910, to become sole surety upon recognizances, stipulations, bonds or undertakings, and licensed by the State of California, as surety, are held and firmly bound to the UNITED STATES OF AMERICA in the full sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, lawful money of the United States, and for the further sum of TWO HUNDRED FIFTY (\$250.00) DOLLARS, lawful money of the United States, to be paid to the United States of America, to which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 16th day of September, 1912.

WHEREAS, lately at a term of the District Court of the United States for the Southern District of California, Southern Division, in a suit pending in the said court between the United States of America, plaintiff, and Woo Wai, defendant, a judgment and sentence was made, given, rendered and entered against the said Woo Wai, and the said Woo Wai is about to apply for a writ of error from the United States *Circuit of Appeals* for the Ninth Circuit, to reverse said judgment and sentence, and a citation directed to the United States of America to be and appear in the said United States Circuit Court of

Appeals for the Ninth Circuit at San Francisco, California, pursuant to the terms and at or within the time to be fixed in said citation, which said citation shall be duly issued and served within the time provided by law; [240]

NOW, THE CONDITION of the above obligation is such, that if upon the issuance of such writ and service, of such citation as aforesaid, the said Woo Wai shall appear either in person, or by attorney, in the United States Circuit Court of Appeals for the Ninth Circuit on such day, or days, as may be appointed for the hearing of said cause in the said court, and prosecute his writ of error, and if the said Woo Wai shall abide by and obey all orders made by the United States *Circuit of Appeals* for the Ninth Circuit, in the said cause, and shall surrender himself in execution of such judgment and sentence as said Court may direct, if the judgment and sentence against him shall be affirmed; and if he shall appear for trial in the District Court of the United States for the Southern District of California, Southern Division, on such days or day as may be appointed for the retrial by said court provided judgment and sentence against him shall be reversed by the United States Circuit Court of Appeals for the Ninth Circuit, then the above obligation to be

void; otherwise to remain in full force, virtue and effect.

(Chinese Signature) WOO WAI. (Seal)

ILLINOIS SURETY COMPANY.

CHARLES T. HUGHES. (Seal)

Attorney in Fact.

C. T. HUGHES,

General Agent, 920 Metropolis Bank Bldg., San Francisco.

Signed, sealed, taken, and acknowledged before me this 16th day of September, 1912.

[Seal]

FRANCIS KRULL,

United States Commissioner, North'n Dist. of California.

[Endorsed]: No. 303—Crim. In the District Court of the United States in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Supersedeas Bond of Woo Wai. The within Bond is hereby approved. Dated Sept. 23, 1912. Olin Wellborn, Judge. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. J. C. Campbell, C. H. Sooy, Denis & Loewenthal, 414 Wilcox Building, corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [241]

Illinois Surety Company. Amount \$7,500: Penal.

No. S. F. 1818.

\$250: Costs.

Supersedeas Bond [Given by Wong Yee].

KNOW ALL MEN BY THESE PRESENTS:

That we, Wong Yee, of San Francisco, California, as

principal, and the ILLINOIS SURETY COMPANY, an Illinois corporation, having its principal place of business at Chicago, Illinois, authorized under the provisions of Act of Congress approved August 13, 1894, as amended by the Act of Congress approved March 23, 1910, to become sole surety on bonds, undertakings, recognizances, stipulations, etc., and licensed by the State of California, as surety, are held and firmly bound to the UNITED STATES OF AMERICA in the full sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00), lawful money of the United States, to be paid to the United States, and the further sum of TWO HUNDRED FIFTY DOLLARS (\$250.00), lawful money of the United States, to be paid to the United States, to which payment well and truly to be made we bind ourselves, our heirs, executors, administrator, successors, and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 16th day of September, 1912.

WHEREAS, lately at a term of the District Court of the United States for the Southern District of California, Southern Division, in a suit pending in the said court between the United States of America, plaintiff, and Wong Yee, defendant, a judgment and sentence was given, made, rendered and entered against the said Wong Yee, and the Wong Yee is about to apply for a writ of error from the United States Circuit Court of Appeals for the Ninth Circuit, to reverse said judgment and sentence and a citation directed to the United States of America to

be and appear in the said United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, California, pursuant to the terms and at or within the time to be fixed in said citation, which said citation shall be duly issued and served, within the time provided by law;

NOW, THE CONDITION of the above obligation is such that if upon [242] the issuance of such writ and service of such citation as aforesaid, the said Wong Yee shall appear either in person, or by attorney in the United States Circuit Court of Appeals for the Ninth Circuit on such day, or days, as may be appointed for the hearing of said cause in the said court, and prosecute his writ of error, and if the said Wong Yee shall abide by and obey all orders made by the United States Circuit Court of Appeals for the Ninth Circuit, in said cause, and shall surrender himself in execution of such judgment and sentence as said Court may direct, if the judgment and sentence against him shall be affirmed; and if he shall appear for trial in the District Court of the United States for the Southern District of California, Southern Division, on such day or days as may be appointed for the retrial by said District Court, and abide by and obey all orders made by said Court, provided judgment and sentence against him shall be reversed by the United States Circuit Court of Appeals for the Ninth Circuit, then this obliga-

tion to be void; otherwise to remain in full force, virtue and effect.

(Chinese Signature) WONG YEE. (Seal)

ILLINOIS SURETY COMPANY.

CHARLES T. HUGHES. (Seal)

Attorney in Fact.

C. T. HUGHES,

General Agent, 920 Metropolis Bank Bldg., San Francisco.

Signed, sealed, taken, and acknowledged before me this 16th day of September, 1912.

[Seal]

FRANCIS KRULL,

United States Commissioner, North'n Dist. of California.

[Endorsed]: No. 303—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Supersedeas Bond of Wong Yee. The within bond is hereby approved. Dated Sept. 23, 1912. Olin Wellborn, Judge. Filed Sep. 23, 1912. Wm. M. Van Dyke, Clerk. By C. E. Scott, Deputy Clerk. J. C. Campbell, C. H. Sooy, Denis & Loewenthal, 414 Wilcox Building, corner Second and Spring Streets, Los Angeles, Cal., Attorneys for Defendants. [243]

Illinois Surety Company. Amount \$10,000: Penal.
No. S. F. 1819. \$250: Costs.

Supersedeas Bond [Given by Wong Chung].

KNOW ALL MEN BY THESE PRESENTS:

That we, Wong Chung, of San Francisco, California, as principal, and the ILLINOIS SURETY COMPANY, an Illinois corporation, having its principal place of business at Chicago, Illinois, authorized under the provisions of Act of Congress approved August 13, 1894, as amended by the Act of Congress approved March 23, 1910, to become sole surety on bonds, undertakings, recognizances, stipulations, etc., and licensed by the State of California, as surety are held and firmly bound unto the UNITED STATES OF AMERICA in the full sum of TEN THOUSAND DOLLARS (\$10,000), lawful money of the United States to be paid to the United States, and the further sum of TWO HUNDRED FIFTY DOLLARS (\$250.00), lawful money of the United States to be paid to the United States, to which payment, well and truly to be made we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 16th day of September, 1912.

WHEREAS, lately at a term of the District Court of the United States for the Southern District of California, Southern Division, in a suit pending in the said court between the United States of America, plaintiff, and Wong Chung, defendant, a judgment and sentence was made, given, rendered and entered against the said Wong Chung, and the said Wong Chung is about to apply for a writ of error from the United States Circuit Court of Appeals for the Ninth Circuit, to reverse said judgment and sentence, and

a citation directed to the United States of America to be and appear in the said United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, California, pursuant to the terms and at or within the time to be fixed in said citation, which said citation shall be duly issued and served, within the time provided by law;

NOW, THE CONDITION of the above obligation is such that if upon the issuance of such writ and service of such citation as aforesaid, [244] the said Wong Chung shall appear either in person, or by attorney, in the United States Circuit Court of Appeals for the Ninth Circuit, on such day, or days, as may be appointed for the hearing of said cause in the said court, and prosecute his writ of error, and if the said Wong Chung shall abide by and obey all orders made by the United States Circuit Court of Appeals for the Ninth Circuit, in said cause, and shall surrender himself in execution of such judgment and sentence as said court may direct, if the judgment and sentence against him shall be affirmed; and if he shall appear for trial in the District Court of the United States for the Southern District of California, Southern Division, on such day or days as may be appointed for the retrial by said District Court, and abide by and obey all orders made by said Court provided judgment and sentence against him shall be reversed by the United States Circuit Court of Appeals for the Ninth Circuit, then this obligation to be void; otherwise to remain in

full force, virtue and effect.

(Chinese Signature)

WONG CHONG. (Seal)

ILLINOIS SURETY COMPANY.

CHARLES T. HUGHES. (Seal)

Attorney in Fact.

C. T. HUGHES,

General Agent, 920 Metropolis Bank Bldg., San
Francisco.

Signed, sealed, taken and acknowledged before me
this 16th day of September, 1912.

[Seal]

FRANCIS KRULL,

United States Commissioner, North'n Dist. of Cali-
fornia.

[Endorsed]: No. 303—Crim. In the District
Court of the United States, in and for the Southern
District of California, Southern Division. United
States of America, Plaintiff, vs. Woo Wai et al.,
Defendants. Supersedeas Bond of Wong Chung.
The within bond is hereby approved. Dated Sept.
23, 1912. Olin Wellborn, Judge. Filed Sep. 23,
1912. Wm. M. Van Dyke, Clerk. By C. E. Scott,
Deputy Clerk. J. C. Campbell, C. H. Sooy, Denis
& Loewenthal, 414 Wilcox Building, corner Second
and Spring Streets, Los Angeles, Cal., Attorneys for
Defendants. [245]

[Bond Given by Wong Yee.]

No. S. F. 3677.

Amount, \$3,750.00

ILLINOIS SURETY COMPANY.

Home Office: 134 So. La Salle Street,
CHICAGO.

(Cut)

ILLINOIS SURETY COMPANY.

All Kinds of Surety Bonds.

C. T. HUGHES,

General Agent,

433 California Street,

SAN FRANCISCO.

Telephone Sutter 4873.

KNOW ALL MEN BY THESE PRESENTS:
That we, Wong Yee, of San Francisco, California, as principal, and the Illinois Surety Company, an Illinois corporation, having its principal place of business at Chicago, Illinois, authorized under the provisions of Act of Congress approved August 13th, 1894, as amended by the Act of Congress approved March 23d, 1910, to become sole surety on bonds, undertakings, recognizances, stipulations, etc., and licensed by the State of California, as surety, are held and firmly bound to the UNITED STATES OF AMERICA in the full sum of THREE THOUSAND FIVE HUNDRED AND 00/100 (\$3500.00) DOLLARS, lawful money of the United States, to be paid to the United States and the further sum of TWO HUNDRED FIFTY DOLLARS (\$250.00), lawful money of the United States, to be paid to the United States, to which payment well and truly to

be made we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 4th day of May, A. D. 1914.

WHEREAS, lately at a term of the District Court of the United States for the Southern District of California, Southern Division, in a suit pending in the said court between the United States of America, plaintiff and Wong Yee, defendant, a judgment and sentence [246] was given, made, rendered and entered against the said Wong Yee, and the said Wong Yee having obtained a writ of error from the United States Circuit Court of Appeals for the Ninth Circuit, to reverse said judgment and sentence and a citation directed to the United States of America to be and appear in the said United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, California, pursuant to the terms and at the time fixed in said citation, which said citation has been duly served; and

WHEREAS, the said Wong Yee, did on the 22d day of August, 1912, file his bond or undertaking executed by himself as principal and the Illinois Surety Company, as surety in the penalty of SEVEN THOUSAND FIVE HUNDRED AND 00/100 (\$7,500.00) DOLLARS; and

WHEREAS, an order has been duly made and entered reducing the penalty of said bond to THREE THOUSAND FIVE HUNDRED AND 00/100 (\$3,500.00) DOLLARS.

NOW, THE CONDITION OF THE ABOVE

OBLIGATION IS SUCH, that if the said WONG YEE shall appear either in person, or by attorney, in the United States Circuit Court of Appeals for the Ninth Circuit on said day or days, as may be appointed for the hearing of said cause in the said court, and prosecute his writ of error, and if the said Wong Yee shall abide by and obey all orders made by the United States Circuit Court of Appeals for the Ninth Circuit, in said cause and shall surrender himself in execution of such judgment and sentence as said court may direct, if the judgment and sentence against him shall be affirmed; and if he shall appear for trial in the District Court of the United States for the Southern District of California, Southern Division, on such day or days as may be appointed for the retrial by said District Court, and abide by and obey all orders made by said Court provided judgment and sentence against him shall be reversed by the United States Circuit Court of Appeals for the Ninth Circuit, then the above obligation to be void; otherwise [247] to remain in full force, virtue and effect.

WONG YEE.

ILLINOIS SURETY COMPANY. (Seal)

By HAROLD M. PARSONS,

Its Attorney in Fact.

Taken, signed sealed and acknowledged before me this 4th day of May, A. D. 1914.

[Seal]

FRANCIS KRULL,

United States Commissioner, North'n Dist. of California.

Approved May 25, 1914.

WM. B. GILBERT,
Circuit Judge.

[Endorsed]: No. 303—Crim. U. S. District Court, Southern District of California, Southern Division. United States of America vs. Woo Wai et. al. Bond of Defendant Wong Yee. Filed Jun. 3, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. [248]

UNITED STATES OF AMERICA.

District Court of the United States, Southern District of California.

CLERK'S OFFICE.

No. 303—CRIMINAL.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOO WAI et al.,

Defendants.

Praeipie [for Transcript of Record].

To the Clerk of Said Court:

Sir: Please prepare the transcript on record upon writ of error in the above cause containing the following:

1. Indictment.
2. Bench warrant.
3. Arraignment and plea of defendant.
4. Record of trial, stating each day's proceedings.

5. Verdict of jury.
6. Judgment of Court.
7. Motion for new trial and in arrest of judgment.
8. Order denying same.
9. Clerk's certificate to judgment-roll.
10. Petition for writ of error on behalf of all defendants.
11. Assignments of error on behalf of all defendants.
12. Citation on writ of error.
13. Return thereto.
14. Order allowing writ of error and supersedeas.
15. Supersedeas bond of each defendant.
16. All orders extending time to file bill of exceptions. [249]
17. Bill of exceptions.
18. Clerk's certificate to transcript of record.

DENIS & LOEWENTHAL,
J. C. CAMPBELL,
WEAVER, SHELTON & LEVY,
C. H. SOOY,

For Defendants.

[Endorsed]: No. 303—Criminal. U. S. District Court, Southern District of California. United States of America, Plaintiff, vs. Woo Wai et al., Defendants. Praeceptum for Preparation of Transcript. Filed Jul. 13, 1914. Wm. M. Van Dyke, Clerk. By Murray C. White, Deputy Clerk. [250]

[Certificate of Clerk U. S. District Court to
Transcript of Record].

*In the District Court of the United States, in and
for the Southern District of California, South-
ern Division.*

No. 303—CRIMINAL.

THE UNITED STATES OF AMERICA,

Plaintiffs,

vs.

WOO WAI et al.,

Defendants.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing two hundred and fifty (250) typewritten pages, numbered from 1 to 250, inclusive, and comprised in one (1) volume, to be a full, true and correct copy of the Judgment-roll, Orders Extending Time to File Bill of Exceptions, Bill of Exceptions, Assignment of Errors, Petition for Writ of Error, Order Allowing Writ of Error and Supersedeas of Defendant Woo Wai, Order Allowing Writ of Error and Supersedeas of Defendant Wong Yee, Order Allowing Writ of Error and Supersedeas of Defendant Wong Chung, Supersedeas Bond of Woo Wai, Supersedeas Bond of Wong Yee, dated September 16, 1912, Supersedeas Bond of Wong Chung, Bond of Wong Yee dated June 3, 1914, and the Praecipe for Preparation of Transcript, in the above and therein entitled cause, and that the same to-

gether constitute the record in said cause as specified in the said Praecipe filed in my office on behalf of the plaintiffs in error by their attorneys of record.

I do further certify that the cost of the foregoing record is \$137.15, the amount whereof has *been to me* by [251]. Woo Wai, Wong Chung and Wong Yee, the plaintiffs in error in said cause.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this 17th day of October, in the year of our Lord one thousand nine hundred and fourteen, and of our Independence the one hundred and thirty-ninth.

[Seal]

WM. M. VAN DYKE,

Clerk of the District Court of the United States, in
and for the Southern District of California.

[252]

[Endorsed]: No. 2507. United States Circuit Court of Appeals for the Ninth Circuit. Woo Wai, Wong Chung and Wong Yee, Plaintiffs in Error, vs. The United States of America, Defendant in Error. Transcript of Record. Upon Writ of Error to the United States District Court of the Southern District of California, Southern Division.

Received October 26, 1914.

F. D. MONCKTON,

Clerk.

Filed October 28, 1914.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.

[Order Enlarging Time to November 1, 1914, to
File Record Thereof and Docket Cause in
Circuit Court of Appeals].

*In the United States Circuit Court of Appeals, Ninth
Judicial Circuit.*

WOO WAI et al.,

Plaintiffs in Error,

vs.

THE UNITED STATES OF AMERICA,

Defendants in Error.

Good cause appearing therefor, it is hereby ordered that the time heretofore allowed said plaintiffs in error to docket said cause and file the record thereof, with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit, be, and the same hereby is enlarged and extended to and including the 1st day of November, 1914.

Dated at Los Angeles, September 28, 1914.

OLIN WELLBORN,
United States District Judge, Southern District of
California.

[Endorsed]: United States Circuit Court of Appeals for the Ninth Circuit. Woo Wai et al., Plaintiffs in Error, vs. The United States of America,

Defendants in Error. Order Enlarging Time to
Docket Cause and File Record. Filed Sep. 30, 1914.
F. D. Monckton, Clerk.

*In the United States Circuit Court of Appeals, Ninth
Circuit.*

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

**Stipulation [for Admission of Wong Yee to Bail in
Sum of \$3500].**

It is hereby stipulated by and between Wong Yee, plaintiff in error herein, and United States of America, defendant in error herein, and their respective attorneys, that the order heretofore made by the District Court of the United States, for the Southern District of California, Southern Division, admitting said Wong Yee to bail in the sum of Seventy-five Hundred (7500) Dollars, pending the judgment of the Circuit Court of Appeals upon writ of error to said District Court in said cause, numbered 303 therein, may be vacated and set aside, and that said Wong Yee may be admitted to bail herein pending said judgment on giving good and sufficient bond in

the sum of Thirty-five Hundred (3500) Dollars.

J. C. CAMPBELL,

WEAVER, SHELTON & LEVY,

DENIS & LOEWENTHAL,

Attorneys for Wong Yee, Plaintiff in Error.

ALBERT SCHOONOVER,

United States Attorney.

HARRY R. ARCHBALD,

Assistant United States Attorney,

Attorneys for Defendant in Error.

[Endorsed]: No. 2507. In the Circuit Court of Appeals of the United States for the Ninth Circuit. Woo Wai, Wong Yee and Wong Chung, Plaintiffs in Error, vs. United States of America, Defendant in Error. Stipulation for Admission of Wong Yee to Bail, etc. Filed May 4, 1914. F. D. Monckton, Clerk. Refiled Oct. 28, 1914. F. D. Monckton, Clerk.

At a stated term, to wit, the October term, A. D. 1913, of the United States Circuit Court of Appeals for the Ninth Circuit, held in the courtroom thereof, in the City and County of San Francisco, in the State of California, on Monday, the fourth day of May, in the year of our Lord one thousand nine hundred and fourteen. Present: The Honorable WILLIAM B. GILBERT, Circuit Judge; Honorable ERSKINE M. ROSS, Circuit Judge; Honorable CHARLES E. WOLVERTON, District Judge.

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

**Order Admitting Wong Yee to Bail [in Sum of
\$3500].**

On motion of Mr. David L. Levy, and pursuant to the stipulation of counsel this day filed therefor, it is ORDERED that the order, heretofore made by the District Court of the United States for the Southern District of California, Southern Division, admitting the plaintiff in error Wong Yee to bail in the sum of Seventy-five Hundred (7500) Dollars pending the judgment of this Court upon the writ of error to the said District Court in the above-entitled cause, numbered 303 therein, may be vacated and set aside, and that the said plaintiff in error Wong Yee may be admitted to bail herein pending said judgment on giving good and sufficient bond in the sum of Thirty-five Hundred (3500) Dollars.

*In the United States Circuit Court of Appeals, Ninth
Circuit.*

No. —

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

**Stipulation [for Admission of Wong Chung to Bail
in Sum of \$3500].**

It is hereby stipulated by and between Wong Chung, plaintiff in error herein, and United States of America, defendant herein, and their respective attorneys that the order heretofore made by the District Court of the United States for the Southern District of California admitting Wong Chung to bail pending the judgment of the Circuit Court of Appeals upon writ of error to said District Court in said cause, numbered 303 therein, may be vacated and set aside, and that said Wong Chung may be admitted to bail herein pending said judgment on giving good and sufficient bond in the sum of Thirty-five Hundred Dollars (\$3500.00).

DENIS & LOEWENTHAL,

C. H. LEVY,

J. C. CAMPBELL,

WEAVER, SHELTON & LEVY,

Attorneys for Wong Chung, Plaintiff in Error.

ALBERT SCHOONOVER,

United States Attorney.

HARRY R. ARCHBALD,

Assistant United States Attorney,

Attorneys for Defendant in Error.

[Endorsed]: 2507. In the United States Circuit Court of Appeals, Ninth Circuit. Woo Wai et al., Plaintiffs in Error, vs. U. S. of America, Defendant in Error. Stipulation for Admission of Wong

Chung to Bail, etc. Filed Oct. 5, 1914. F. D.
Monckton, Clerk.

At a stated term, to wit, the October Term, A. D.
1914, of the United States Circuit Court of Ap-
peals for the Ninth Circuit held in the court-
room thereof, in the City and County of San
Francisco, in the State of California, on Mon-
day, the fifth day of October, in the year of
our Lord one thousand nine hundred and four-
teen. Present: The Honorable WILLIAM B.
GILBERT, Circuit Judge, Presiding; Honor-
able ERSKINE M. ROSS, Circuit Judge; Hon-
orable WILLIAM W. MORROW, Circuit
Judge.

No. 2507.

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

**Order Admitting Wong Chung to Bail [in Sum of
\$3500].**

On motion of Mr. David L. Levy, counsel for the
plaintiffs in error, and pursuant to the stipulation
of counsel for the respective parties, this day filed
therefor, it is ORDERED that the order heretofore
made by the District Court of the United States for
the Southern District of California admitting Wong
Chung to bail pending the Judgment of this Court
upon the writ of error to the said District Court in

the above-entitled cause, numbered 303 in said District Court, be, and hereby is vacated and set aside, and that said Wong Chung be, and hereby is admitted to bail herein pending said judgment on giving good and sufficient bond in the sum of Thirty-five Hundred (3,500.00) Dollars.

In the United States Circuit Court of Appeals, Ninth Circuit.

No. —

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,

vs.

UNITED STATES OF AMERICA,
Defendant in Error.

Stipulation [Admitting Woo Wai to Bail in Sum of \$10,000].

It is hereby stipulated by and between Woo Wai, plaintiff in error herein, and United States of America, defendant herein, and their respective attorneys that the order heretofore made by the District Court of the United States for the Southern District of California, admitting Woo Wai to bail pending the judgment of the Circuit Court of Appeals upon writ of error to said District Court in said cause, numbered 303 therein, may be vacated and set aside, and that said Woo Wai may be admitted to bail herein pending said judgment on giving good and sufficient

supersedeas bond in the sum of Ten Thousand Dollars (\$10,000.00).

DENIS & LOEWENTHAL,

C. H. LEVY,

J. C. CAMPBELL,

WEAVER, SHELTON & LEVY,

Attorneys for Woo Wai, Plaintiff in Error.

ALBERT SCHOONOVER,

United States Attorney,

HARRY R. ARCHBALD,

Assistant United States Attorney,

Attorneys for Defendant in Error.

[Endorsed]: No. 2507. United States Circuit Court of Appeals for the Ninth Circuit. United States, Plaintiff, vs. Woo Wai et al., Defendants. Stipulation for Admission of Woo Wai to Bail. Filed Oct. 5, 1914. F. D. Monckton, Clerk.

At a stated term, to wit, the October term, A. D. 1914, of the United States Circuit Court of Appeals for the Ninth Circuit, held in the courtroom thereof, in the City and County of San Francisco, in the State of California, on Monday, the fifth day of October, in the year of our Lord one thousand nine hundred and fourteen. Present: The Honorable WILLIAM B. GILBERT, Circuit Judge, Presiding; Honorable ERSKINE M. ROSS, Circuit Judge; Honorable WILLIAM W. MORROW, Circuit Judge.

No. 2507.

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

**Order Admitting Woo Wai to Bail [in Sum of
\$10,000].**

On motion of Mr. David L. Levy, counsel for the plaintiffs in error, and pursuant to the stipulation of counsel for the respective parties this day filed therefor, it is ORDERED that the order heretofore made by the District Court of the United States for the Southern District of California admitting Woo Wai to bail pending the Judgment of this Court upon the writ of error to the said District Court in the above-entitled cause, numbered 303 in said District Court, be, and hereby is vacated and set aside, and that said Woo Wai be, and hereby is admitted to bail herein pending said judgment, on giving good and sufficient supersedeas bond in the sum of Ten Thousand (10,000) Dollars.

[Stipulation as to Printing Record.]

*In the United States Circuit Court of Appeals, Ninth
Circuit.*

No. —

WOO WAI, WONG YEE and WONG CHUNG,
Plaintiffs in Error,

vs.

UNITED STATES OF AMERICA,
Defendant in Error.

**STIPULATION CONCERNING RECORD ON
WRIT OF ERROR.**

It is hereby stipulated by and between the parties hereto and their respective counsel that in printing the record to be used upon writ of error herein the clerk of the above-entitled court may except therefrom the following:

1. Minutes of trial, pages 24 to 50, inclusive, of the Clerk's typewritten record;
2. Orders and stipulations extending time with reference to bill of exceptions and amendments thereto, pages 58 to 87, inclusive;
3. All orders extending time to file record in Circuit Court of Appeals except order filed September 30, 1914, which last mentioned order shall be included.

DENIS & LOEWENTHAL,
J. C. CAMPBELL,
WEAVER, SHELTON & LEVY,
C. H. LEVY,

Attorneys for Plaintiffs in Error.

ALBERT SCHOONOVER,
HARRY R. ARCHBALD,
Attorneys for Defendant in Error.

[Endorsed]: In the United States Circuit Court of Appeals, Ninth District. No. 2507. Woo Wai et al., Plaintiffs in Error, vs. United States of America, Defendant in Error. Stipulation Concerning Record on Writ of Error. Filed Nov. 19, 1914. F. D. Monckton, Clerk.